



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress
Third Regular Session



COMMITTEE REPORT NO. 881

Submitted by the Committee on Constitutional Amendments on **OCT. 02 2018**

Re: Resolution of Both Houses No. 15
Recommending its adoption without amendments

Sponsors: Representatives Vicente S.E. Veloso, Corazon N. Nuñez-Malanyaon, Rodante D. Marcoleta, Dakila Carlo E. Cua, Rolando G. Andaya Jr., Fredenil H. Castro, Alfredo "Albee" B. Benitez, Tricia Nicole Q. Velasco-Catera, and Eugene Michael B. De Vera

Madam Speaker:

The Committee on Constitutional Amendments to which was referred Resolution of Both Houses No. 15 introduced by Reps. Gloria Macapagal-Arroyo, Vicente S.E. Veloso, Rolando G. Andaya Jr., Fredenil H. Castro, Arthur C. Yap, Rodante D. Marcoleta, Corazon T. Nuñez-Malanyaon, Alfredo "Albee" B. Benitez, Tricia Nicole Q. Velasco-Catera, Deogracias "DV" Savellano, Lianda B. Bolilia, Aurelio "Dong" D. Gonzales Jr., Eugene Michael B. De Vera, Romeo M. Acop, Micaela S. Violago, Wilter "Sharky" Wee Palma II, Ron P. Salo, Anthony M. Bravo, Makmod D. Mending, Jr., Arnolfo A. Teves Jr., Celso L. Lobregat and Bernadette C. Herrera-Dy, entitled:

**"RESOLUTION OF BOTH HOUSES
PROPOSING THE REVISION OF THE 1987 CONSTITUTION
OF THE REPUBLIC OF THE PHILIPPINES"**

has considered the same and recommends its approval without amendment, with Reps. Gloria Macapagal-Arroyo, Vicente S.E. Veloso, Rolando G. Andaya Jr., Fredenil H. Castro, Arthur C. Yap, Rodante D. Marcoleta, Corazon T. Nuñez-Malanyaon, Alfredo "Albee" B. Benitez, Tricia Nicole Q. Velasco-Catera, Deogracias "DV" Savellano, Lianda B. Bolilia, Aurelio "Dong" D. Gonzales Jr., Eugene Michael B. De Vera, Romeo M. Acop, Micaela S. Violago, Wilter "Sharky" Wee Palma II, Ron P. Salo, Anthony M. Bravo, Makmod D. Mending, Jr., Arnolfo A. Teves Jr., Celso L. Lobregat, Bernadette C. Herrera-Dy, Frederick "Erick" Abueg, Johnny Ty Pimentel, Cesar V. Sarmiento, Roy M. Loyola, and Ben P. Evardone, Lord Allan Jay Q. Velasco as authors thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'CV' with a stylized flourish.

VICENTE S.E. VELOSO

Chairman

Committee on Constitutional Amendments

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Third Regular Session

RESOLUTION OF BOTH HOUSES NO. 15



Introduced by Representatives Gloria Macapagal-Arroyo, Vicente S.E. Veloso, Rolando G. Andaya Jr., Fredenil H. Castro, Arthur C. Yap, Rodante D. Marcoleta, Corazon T. Nuñez-Malanyaon, Alfredo "Albee" B. Benitez, Tricia Nicole Q. Velasco-Catera, Deogracias "DV" Savellano, Lianda B. Bolilia, Aurelio "Dong" D. Gonzales Jr., Eugene Michael B. De Vera, Romeo M. Acop, Micaela S. Violago, Wilter "Sharky" Wee Palma II, Ron P. Salo, Anthony M. Bravo, Makmod D. Mending Jr., Arnolfo A. Teves, Jr., Celso L. Lobregat, Bernadette C. Herrera-Dy

**RESOLUTION OF BOTH HOUSES
PROPOSING THE REVISION OF THE 1987 CONSTITUTION
OF THE REPUBLIC OF THE PHILIPPINES**

1 **WHEREAS**, Section 1, Article XVII of the 1987 Constitution provides:

2 *"Section 1. Any amendment to, or revision of, this Constitution may be*
3 *proposed by:*

4 *(1) The Congress, upon a vote of three-fourths of all its Members; or*

5 *(2) A constitutional convention. "*

6 **WHEREAS**, the Congress is constitutionally mandated to propose amendments to, or
7 revision of, the Constitution, in order to make the fundamental law of the land responsive to the
8 needs and exigencies of the times;

9 **WHEREAS**, since the Twelfth Congress, stakeholders from different sectors of society
10 have conducted studies, consultations, and submitted to the Congress of the Philippines several
11 proposals to amend or revise the 1987 Constitution;

1 **WHEREAS**, many provisions of the 1987 Constitution have already served, if not
2 outlived, their purpose, hence, the sustained clamor over the years for amendments to or revision
3 of the constitution finds justification in the need to provide, among other much needed socio-
4 economic and political reforms, a long-term solution to the decades-old conflict in Mindanao and
5 regional economic development in the countryside;

6 **WHEREAS**, the current composition of both Houses of Congress is reflective of the varied
7 interests that their constituencies represent, so that whenever they propose amendments to or
8 revision of the constitution, they already have the necessary background and the corresponding
9 insights on how to effectively introduce them accordingly: Now therefore, be it

10 **RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES**, by a
11 vote of three-fourths of all its Members, pursuant to Section 1, Article XVII of the 1987
12 Constitution, to propose the revision of the 1987 Constitution of the Republic of the Philippines,
13 to read as follows:

14
**THE CONSTITUTION OF
THE FEDERAL REPUBLIC OF THE PHILIPPINES**

15
16 **PREAMBLE**

17
18 We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a
19 just and humane society, and establish a Government that shall embody our ideals and aspirations,
20 promote the common good, conserve and develop our patrimony, and secure to ourselves and our
21 posterity, the blessings of independence and democracy, under the rule of law and a regime of
22 truth, justice, freedom, equality, and peace, do ordain and promulgate this Constitution.

23
24 **ARTICLE I**

25 **National Territory**

26
27 The national territory comprises the Philippine archipelago, with all the islands and waters
28 embraced therein, and all other territories over which the Philippines has sovereignty, sovereign
29 rights, or jurisdiction, consisting of its terrestrial, fluvial, aerial, and maritime domains which shall
30 include all territorial islands, waters, and airspace recognized under our domestic laws,
31 international laws and conventions, and judgments of competent international courts and tribunals.
32 The waters around, between, and connecting the islands of the archipelago, regardless of their
33 breadth and dimensions, form part of the internal waters of the Philippines.

1 ARTICLE II

2 **Declaration of Principles and State Policies**

3
4 **Principles**

5 Section 1. The Philippines is a democratic and republican State. Sovereignty resides in the
6 Filipino people and all government authority emanates from them. The State shall recognize
7 regional autonomy towards federalism within the framework of national unity and the
8 Constitution.

9 Sec. 2. The State renounces war as an instrument of national policy, condemns any act of
10 terrorism, and adopts the generally accepted principles of international law as part of the law of
11 the land.

12 Sec. 3. Civilian authority is, at all times, supreme over the military. The Government of the
13 Philippines is the protector of the people and the State. The goal of the Armed Forces of the
14 Philippines is to secure the sovereignty of the State and to safeguard the integrity of the national
15 territory.

16 Sec. 4. The prime duty of the Government is to serve and protect the people. The Government
17 may call upon the Filipino people to defend the State and, in the fulfillment thereof, require the
18 citizens, under conditions provided by law, to render personal, military, or civil service.

19 Sec. 5. The maintenance of peace and order, the protection of life, liberty, and property, and
20 the promotion of the general welfare are essential for all the Filipino citizens to enjoy the blessings
21 of democracy.

22 Sec. 6. The separation of church and State shall be inviolable. Relations between them shall
23 be governed by benevolent neutrality.

24 **State Policies**

25 Sec. 7. The State shall pursue an independent foreign policy. In its relations with other States,
26 the paramount consideration shall be national sovereignty, territorial integrity, national interest,
27 and the right to self-determination.

28 Sec. 8. The State, consistent with the national interest, shall adopt and pursue a policy of
29 freedom from nuclear weapons in its territory.

30 Sec. 9. The State shall promote a just and dynamic social order that will ensure the prosperity
31 and independence of the nation and free the people from poverty through policies that provide
32 adequate social services and promote full employment, a rising standard of living, and an improved
33 quality of life.

1 Sec. 10. The State shall give the highest priority to the enactment of measures that protect and
2 enhance the right of every person to human dignity, reduce social, economic, and political
3 inequalities, and remove cultural inequities by equitably distributing wealth and diffusing political
4 power for the common good. It shall promote social justice in all phases of national development.

5 Sec. 11. The State shall recognize the sanctity of family life and shall protect and strengthen
6 the family as a basic autonomous social institution. It shall equally protect the life of the mother
7 and the life of the unborn from conception. The natural and primary right and duty of parents in
8 the rearing of the youth for civic efficiency and the development of moral character shall receive
9 the support of the Government.

10 Sec. 12. The State shall recognize the vital role of the youth in nation-building and shall
11 promote and protect their physical, intellectual, social, moral, and spiritual well-being. It shall
12 inculcate patriotism and nationalism and encourage their involvement in public and civic affairs.

13 Sec. 13. The State shall recognize the role of women in nation-building and shall ensure the
14 fundamental equality of women and men before the law.

15 Sec. 14. The State shall protect and promote the right to health of the people and instill health
16 consciousness in them.

17 Sec. 15. The State shall protect and advance the right of the people to a balanced and healthful
18 ecology.

19 Sec 16. The State shall give priority to education, arts, culture, and sports to foster patriotism
20 and nationalism, accelerate social progress, and promote total human liberation and development.
21 The State shall protect and promote the right of all citizens to quality education at all levels and
22 shall take appropriate steps to make such education accessible to all.

23 Sec. 17. The State shall foster the preservation, enrichment, and evolution of a Filipino
24 national culture based on the principle of unity in diversity in a climate of free artistic and
25 intellectual expression.

26 Sec. 18. The State shall give priority to research and development, invention, innovation, and
27 their utilization. It shall likewise give priority to science and technology education, training, and
28 services, and support indigenous, appropriate, and self-reliant scientific and technological
29 capabilities, and their application to the country's productive systems and national life.

30 Sec. 19. The State shall protect the rights of labor, promote employment opportunities, and
31 pursue the economic goal of full employment. Well-established rights shall include the right of
32 workers to self-organization, collective bargaining and negotiation, and peaceful concerted
33 activities, including the right to strike in accordance with law. Workers shall enjoy equitable
34 treatment and freedom from discrimination on matters of employment tenure, working conditions,

1 and wage levels. The State shall regulate worker-employer relations with the objectives of
2 promoting shared responsibility between workers and employers.

3 Sec. 20. The State shall promote the development of a dynamic and productive economy
4 where opportunities, income, and wealth are equitably distributed.

5 Sec. 21. The State shall recognize the indispensable role of the private sector, encourage
6 private enterprise, and provide incentives to needed investments.

7 Sec. 22. The State shall promote rural development, higher agricultural productivity, and
8 equitable land ownership arrangements.

9 Sec. 23. The State shall recognize and promote the rights of indigenous peoples and cultural
10 communities within the framework of national unity and development.

11 Sec. 24. The State shall recognize the vital role of learning and communication in nation-
12 building and shall promote the joint development of languages and cultures, to enrich the people's
13 lives and strengthen national unity.

14 Sec. 25. The State shall guarantee equal access to opportunities for public service.

15 Sec. 26. The State shall maintain honesty and integrity in the public service and take positive
16 and effective measures against graft and corruption.

17 Sec. 27. Subject to reasonable conditions prescribed by law, the State shall adopt and
18 implement a policy of full public disclosure of all its transactions involving public interest.

19 20 ARTICLE III

21 Bill of Rights

22
23 Section 1. The natural right to protect oneself shall always be respected by the State.

24 No person shall be deprived of life, liberty, or property without due process of law, nor shall
25 any person be denied the equal protection of the laws.

26 Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against
27 unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and
28 no search warrant or warrant of arrest shall issue except upon probable cause to be determined
29 personally by the judge after examination under oath or affirmation of the complainant and the
30 witnesses he or she may produce, and particularly describing the place to be searched and the
31 persons or things to be seized.

1 Sec. 3. (1) The privacy of communication and correspondence shall be inviolable except upon
2 lawful order of the court, or when public safety or order requires otherwise, as prescribed by law.

3 (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible
4 for any purpose in any proceeding.

5 Sec. 4. No law shall be passed abridging the freedom of speech, of expression, or of the press,
6 or the right of the people peaceably to assemble and petition the government for redress of
7 grievances.

8 Sec. 5. No law shall be made respecting an establishment of religion or prohibiting the free
9 exercise thereof. The free exercise and enjoyment of religious profession and worship, without
10 discrimination or preference, shall forever be allowed. No religious test shall be required for the
11 exercise of civil or political rights.

12 Sec. 6. The liberty of abode and of changing the same within the limits prescribed by law shall
13 not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired
14 except in the interest of national security, public safety, or public health, as may be provided by
15 law.

16 Sec. 7. The right of the people to information on matters of public concern shall be recognized.
17 Access to official records, and to documents and papers pertaining to official acts, transactions, or
18 decisions, as well as to government research data used as basis for policy development, shall be
19 afforded the citizen, subject to such limitations as may be provided by law.

20 Sec. 8. The right of the people, including those employed in the public and private sectors, to
21 form unions, associations, or societies for purposes not contrary to law shall not be abridged.

22 Sec. 9. Private property shall not be taken for public use without just compensation.

23 Sec. 10. No law impairing the obligation of contracts shall be passed.

24 Sec. 11. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall
25 not be denied to any person by reason of poverty.

26 Sec. 12. (1) All persons under investigation for the commission of an offense shall have the
27 right to be informed of their right to remain silent and to have competent and independent counsel
28 preferably of their own choice. If they cannot afford the services of counsel, they must be provided
29 with one. These rights cannot be waived except in writing and in the presence of counsel.

30 (2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free
31 will shall be used against them. Secret detention places, solitary, *incommunicado*, or other similar
32 forms of detention are prohibited.

1 (3) Any confession or admission obtained in violation of this or Section 17 hereof shall be
2 inadmissible in evidence against them.

3 (4) The law shall provide for penal and civil sanctions for violations of this section as well as
4 compensation to and rehabilitation of victims of torture or similar practices, and their families.

5 Sec. 13. All persons, except those charged with offenses punishable by *reclusion perpetua*
6 when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be
7 released on recognizance as may be provided by law. The right to bail shall not be impaired even
8 when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

9 Sec. 14. (1) No person shall be held to answer for a criminal offense without due process of
10 law.

11 (2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is
12 proved, and shall enjoy the right to be heard by themselves and counsel, to be informed of the
13 nature and cause of the accusation against them, to have a speedy, impartial, and public trial, to
14 meet the witnesses face to face, and to have compulsory process to secure the attendance of
15 witnesses and the production of evidence in their behalf. However, after arraignment, trial may
16 proceed notwithstanding the absence of the accused provided that they have been duly notified
17 and their failure to appear is unjustifiable.

18 Sec. 15. The privilege of the writ of habeas corpus shall not be suspended except in cases of
19 invasion or rebellion when the public safety requires it.

20 Sec. 16. All persons shall have the right to a speedy disposition of their cases before all
21 judicial, quasi-judicial, or administrative bodies.

22 Sec. 17. No person shall be compelled to be a witness against himself or herself.

23 Sec. 18. (1) No person shall be detained solely by reason of his or her political beliefs and
24 aspirations.

25 (2) No involuntary servitude in any form shall exist except as a punishment for a crime
26 whereof the party shall have been duly convicted.

27 Sec. 19. (1) Excessive fines shall not be imposed, nor shall cruel, degrading, or inhuman
28 punishment be inflicted. Neither shall the death penalty be imposed, unless, for compelling
29 reasons involving heinous crimes, the Congress hereafter provides for it.

30 (2) The employment of physical, psychological, or degrading punishment against any prisoner
31 or detainee or the use of substandard or inadequate penal facilities under subhuman conditions
32 shall be dealt with by law.

33 Sec. 20. No person shall be imprisoned for debt or non-payment of a poll tax.

Sec. 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Sec. 22. No *ex post facto* law or bill of attainder shall be enacted.

ARTICLE IV

Bill of Duties

Section 1. It shall be the duty of every citizen to be loyal to the Republic of the Philippines, honor the Philippine flag, defend the State, contribute to its development and welfare, uphold the constitution and obey the laws, pay taxes, and cooperate with the duly constituted authorities in the attainment and maintenance of the rule of law and of a peaceful, just, humane, and orderly society.

Sec. 2. The rights of the individual impose upon him or her the correlative duty to exercise them responsibly and with due regard for the rights of others.

Sec. 3. Citizens shall at all times respect the life and dignity of every person and uphold human rights.

Sec. 4. Citizens shall participate actively in public and civic affairs, contribute to good governance, honesty, and integrity in the public service, and the vitality and viability of democracy.

ARTICLE V

Citizenship

Section 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;
- (2) Those whose fathers or mothers are citizens of the Philippines;
- (3) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- (4) Those who are naturalized in accordance with law.

Sec. 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.

1 Sec. 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

2 Sec 4. Citizens of the Philippines who marry aliens shall retain their citizenship, unless by
3 their act or omission, they are deemed, under the law, to have renounced it.

4 Sec 5. Dual allegiance of citizens is inimical to the national interest and shall be dealt with by
5 law.

6 7 ARTICLE VI

8 **Suffrage**

9
10 Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise
11 disqualified by law, who are at least eighteen years of age, and, except for qualified Filipinos
12 abroad under the system for absentee voting or as may be provided by law, shall have domiciled
13 in the Philippines for at least one year, and in the place wherein they propose to vote, for at least
14 six months immediately preceding the election. No literacy, property, or other substantive
15 requirement shall be imposed on the exercise of suffrage.

16 Sec 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot
17 as well as a system for absentee voting by qualified Filipinos abroad.

18 The Congress shall also design a procedure for the disabled and the illiterates to vote without
19 the assistance of other persons. Until then, they shall be allowed to vote under existing laws and
20 such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

21 22 ARTICLE VII

23 **Political Parties**

24
25 Section 1. The State shall adopt and develop a two-party system as a mechanism of
26 representation and democratic governance. The political parties shall be registered with the
27 Commission on Elections which shall ensure that each political party has duly adopted its program
28 and platform of Government. Religious denominations and sects shall be refused registration.
29 Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold
30 and adhere to this Constitution, or which are supported by any foreign government, shall likewise
31 be refused registration.

32 Financial contributions from foreign governments and their agencies to political parties,
33 organizations, coalitions, or candidates related to elections, constitute interference in national

affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

Sec. 2. (1) The Congress shall, by law, establish the institutionalization of a two-party system that shall serve as a mechanism of communication and cooperation between the citizens and the State, facilitate political organization and representation, and continuously form, formulate, and ultimately develop an informed public opinion.

(2) As a democratic public institution, political parties shall develop a system of administration that is aimed at developing the parties' professional bureaucracy and membership. They shall observe fair, honest, and democratic processes in nominating and selecting party officials and candidates for public office. They shall ensure the integrity, loyalty, and discipline of their members.

(3) The first two dominant parties which garnered most of the electoral seats in the first national elections under this Constitution shall be the official parties that will represent under the two-party system. The congress shall, by law, thereafter provide for the details and mechanics that will govern the ensuing elections under the new system.

(4) The Congress shall, by law, provide for mechanisms to make sure that the political parties are given a definite period of free space on broadcast and print media and other similar platforms during the election period.

Sec. 3. The political affiliation of any elective public officer shall not be changed during the term of office and the political affiliation of any candidate for an elective office shall not be changed within six months immediately preceding or following an election. An elected official shall be deemed to have forfeited the respective office in violation of this prohibition.

ARTICLE VIII

The Legislative Department

Section 1. The legislative power is vested in the Congress, which shall consist of a Senate and a House of Representatives.

The people, pursuant to the provisions on initiative, plebiscite, and referendum, may directly exercise legislative power.

Sec 2. (1) The House of Representatives shall be composed of not more than three hundred (300) members.

(2) Eighty per centum (80%) of the members of the House of Representatives shall be elected by majority vote where each legislative electoral district shall have one (1) seat in the Congress.

(3) The remaining twenty per centum (20%) of the members of the House of Representatives shall be elected through a party-list system of registered sectoral parties or organizations. The party-list representatives shall be elected at large. They shall represent the marginalized sectors of Philippine society which shall include labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and seafarers. The Congress shall pass a law that shall ensure that each sector shall be represented by at least one (1) party-list.

(4) Legislative districts shall be apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants on the basis of a uniform progressive ratio as may be provided by law.

(5) Each legislative district shall comprise, as far as practicable, contiguous, compact, and adjacent territory. Each province, or city with a population of at least three hundred fifty thousand (350,000) shall have at least one (1) member of the Congress. However, this shall not affect the existing legislative districts which have less than three hundred fifty thousand (350,000) population, yet have more than one (1) district.

(6) Within three (3) years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section.

Sec. 3. No person shall be a Member of the House of Representatives unless he or she is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five (25) years of age, holder of a college degree, and, except the party-list representatives, a registered voter in the district in which he or she shall be elected, and domiciled therein for a period of not less than one (1) year immediately preceding the day of the election.

Sec. 4. The Members of the House of Representatives shall be elected for a term of four (4) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June following their election.

Sec. 5. The Senate shall be composed of twenty-four Senators who shall be elected at large by the qualified voters of the Philippines, as may be provided by law.

Sec. 6. No person shall be a Senator unless he or she is a natural-born citizen of the Philippines and, on the day of the election, is at least thirty-five (35) years of age, holder of a college degree, and a registered voter and domiciled in the Philippines for not less than two (2) years immediately preceding the day of the election.

Sec. 7. The Members of the Senate shall be elected for a term of four (4) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his or her service for the full term of which he or she was elected.

1 Sec. 8. The educational requirement in this article shall not apply to those already elected as
2 Members of Congress before the ratification of this constitution.

3 Sec. 9. Unless otherwise provided by law, the regular election of the Members of the House
4 of Representatives and Senators shall be held on the second Monday of May.

5 Sec. 10. In case of vacancy in Congress, a special election may be called to fill such vacancy,
6 but the Members of Congress thus elected shall serve only for the unexpired term.

7 Sec. 11. The salaries of Members of Congress shall be determined by law. No increase in said
8 compensation shall take effect until after the expiration of the full term of all the Members of
9 Congress approving such increase.

10 Sec. 12. A Member of Congress shall, in all offenses punishable by not more than six (6) years
11 imprisonment, be privileged from arrest while the Congress is in session. No Member of the House
12 of Representatives or Senator shall be questioned nor be held liable in any other place for any
13 speech or debate in the Congress or in any committee thereof.

14 Sec. 13. All Members of Congress shall, upon assumption of office, make a full disclosure of
15 their financial and business interests. They shall notify the House concerned of a potential conflict
16 of interest that may arise from the filing of a proposed legislation of which they are authors.

17 Sec. 14. Members of Congress may not hold any other office or employment in the
18 Government, or any subdivision, agency, or instrumentality thereof, including government-owned
19 or controlled corporations or their subsidiaries, during their term without forfeiting their seat;
20 neither shall they be appointed to any office which may have been created or the emoluments
21 thereof increased during the term for which they were elected.

22 Sec. 15. Members of Congress may not personally appear as counsel before any court of
23 justice or before the electoral tribunal, or any quasi-judicial and other administrative bodies;
24 neither shall they, directly or indirectly, be interested financially in any contract with, or in any
25 franchise or special privilege granted by the government, or any subdivision, agency, or
26 instrumentality thereof, including any government-owned or controlled corporation, or its
27 subsidiary, during their term of office. they shall not intervene in any matter before any office of
28 the government for his or her pecuniary benefit or where he may be called upon to act on account
29 of his or her office.

30 Sec. 16. The Congress shall convene once every year on the fourth Monday of July for its
31 regular session, unless a different date is fixed by law, and shall continue to be in session for such
32 number of days as it may determine until thirty (30) days before the opening of its next regular
33 session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special
34 session at any time.

1 Sec. 17. (1) The House of Representatives shall elect its Speaker, and the Senate its president,
2 by a majority vote of all their respective members. The House of Representatives and the Senate
3 shall choose such other officers as both houses may deem necessary.

4 (2) A majority of each House shall constitute a quorum to do business, but a smaller number
5 may adjourn from day to day and may compel the attendance of absent Members in such manner,
6 and under such penalties, as such House may provide. The majority vote of the House of
7 Representatives or the Senate shall mean the votes by the majority of the members present in the
8 session of the House of Representatives or the Senate, provided that there is a quorum. Such
9 majority vote shall be sufficient to constitute approval or concurrence unless otherwise provided
10 in the Constitution.

11 (3) Each House may determine the rules of its proceedings, punish its Members for disorderly
12 behavior, and, with the concurrence of two-thirds ($\frac{2}{3}$) of all its Members, suspend or expel a
13 Member. A penalty of suspension, when imposed, shall not exceed sixty (60) days.

14 (4) Each House shall keep a Journal of its proceedings, and from time to time publish the
15 same, excluding such parts as may, in its judgment, affect national security; and the yeas and nays
16 on any question shall, at the request of one-fifth ($\frac{1}{5}$) of the Members present, be entered in the
17 Journal. Each House shall also keep a Record of its proceedings.

18 Sec. 18. The Congress shall have an Electoral Tribunal which shall be the sole judge of all
19 contests relating to the election, returns, and qualifications of its Members. The Tribunal shall be
20 composed of nine (9) members: two (2) members each from the House of Representatives and
21 from the Senate, who shall be chosen on the basis of proportional representation from the registered
22 and recognized political parties, and five (5) justices of the Supreme Court to be designated by the
23 presiding Chief Justice. The most senior justice in the electoral tribunal shall be its Chairperson.

24 Sec. 19. There shall be a Commission on Appointments consisting of the Speaker of the House
25 of Representatives as ex officio Chairperson, twelve (12) members of the House of
26 Representatives, and twelve (12) Senators elected by each House on the basis of proportional
27 representation from the political parties. The Chairperson of the Commission shall not vote except
28 in case of a tie. The Commission shall act on all appointments submitted to it within thirty (30)
29 session days of the Congress from their submission. The Commission shall rule by a majority vote
30 of all the Members.

31 Sec. 20. The Electoral Tribunal and the Commission on Appointments shall be constituted
32 within thirty (30) days after the House of Representatives and the Senate shall have been organized
33 with the election of the Speaker and the Senate President. The Commission on Appointments shall
34 meet only while the Congress is in session, at the call of its Chairperson or a majority of all its
35 Members, to discharge such powers and functions as are herein conferred upon it.

1 Sec. 21. The records and books of accounts of the Congress shall be preserved and be open to
2 the public in accordance with law, and such books shall be audited by the Commission on Audit
3 which shall publish annually an itemized list of amounts paid to and expenses for each Member.

4 Sec. 22. The House of Representatives or the Senate, within its powers vested under the
5 Constitution, or any of its respective committees, may conduct inquiries in aid of legislation in
6 accordance with its duly published rules of procedure. The rights of persons appearing in, or
7 affected by, such inquiries shall be respected.

8 Sec. 23. There shall be a question hour as often as may be necessary and as the rules of the
9 congress may provide, which shall be included in the agenda of both Houses, during which the
10 cabinet secretaries shall appear and answer questions and interpellations by Members of the
11 Congress. The question hour may be held at any time while the Congress is in session.

12 Sec. 24. (1) The Congress, by a vote of two-thirds ($\frac{2}{3}$) of both Houses in joint session
13 assembled, voting separately, shall have the sole power to declare the existence of a state of war.

14 (2) In times of war or other national emergency, the Congress may, by law, authorize the
15 President for a limited period and subject to such restrictions as it may prescribe, to exercise
16 powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by
17 resolution of the Congress, such powers shall cease upon the next adjournment thereof.

18 Sec. 25. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt
19 and private bills shall originate exclusively in the House of Representatives, but the Senate may
20 concur with or propose amendments to such bills.

21 Sec. 26. (1) The Congress may not increase the appropriations recommended by the President
22 for the operation of the Government as specified in the budget, except the appropriations for the
23 Congress and the judicial department. The form, content, and manner of preparation of the budget
24 shall be prescribed by law.

25 (2) No provision or enactment shall be embraced in the general appropriations bill unless it
26 relates specifically to some particular appropriation therein; and any such provision or enactment
27 shall be limited in its operation to such appropriation.

28 (3) The procedure in approving appropriations for the Congress shall strictly follow the
29 procedure for approving appropriations for other departments and agencies.

30 (4) A special appropriations bill shall specify the purpose for which it is intended, and shall
31 be supported by funds actually available as certified by the National Treasurer, or to be raised by
32 a corresponding revenue proposal therein.

33 (5) No law shall be passed authorizing any transfer of appropriations; however, the President,
34 the Speaker of the House of Representatives, the President of the Senate, the Chief Justice of the

1 Supreme Court, and the heads of Constitutional Commissions may, by law, be authorized to
2 augment any item in the general appropriations law for their respective offices from savings in
3 other items of their respective appropriations.

4 (6) Discretionary funds appropriated for particular officials shall be disbursed only for public
5 purposes to be supported by appropriate vouchers and subject to such guidelines as may be
6 prescribed by law.

7 (7) If, by the end of any fiscal year, the Congress shall have failed to pass the general
8 appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding
9 fiscal year shall be deemed re-enacted and shall remain in force and effect until the general
10 appropriations bill is passed by the Congress.

11 Sec. 27. (1) Every bill passed by the Congress shall embrace only one (1) subject which shall
12 be expressed in the title thereof.

13 (2) No bill passed by either House shall become a law unless it has passed three (3) readings
14 on separate days, and printed copies thereof in its final form have been distributed to its members
15 three days before its passage, except when the President certifies to the necessity of its immediate
16 enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment
17 thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas
18 and nays entered in the Journal.

19 (3) There shall be a bicameral conference committee composed of members chosen by each
20 House that shall reconcile conflicting provisions of the bill passed by each House. The reconciled
21 version shall be subject to vote by each house in accordance with their respective rules.

22 Sec. 28. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to
23 the President. If he or she approves the same he or she shall sign it; otherwise, he or she shall veto
24 it and return the same with his or her objections to the House where it originated, which shall enter
25 the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration,
26 two-thirds ($\frac{2}{3}$) of all the Members of such house shall agree to pass the bill, it shall be sent, together
27 with the objections, to the other House by which it shall likewise be reconsidered, and if approved
28 by two-thirds ($\frac{2}{3}$) of all the Members of that House, it shall become a law. In all such cases, the
29 votes of each House shall be determined by yeas or nays, and the names of the Members voting
30 for or against shall be entered in its Journal. The President shall communicate his or her veto of
31 any bill to the House where it originated within thirty (30) days after the date of receipt thereof,
32 otherwise, it shall become a law as if he or she had signed it.

33 (2) The President shall have the power to veto any particular item or items in an appropriation,
34 revenue, or tariff bill, but the veto shall not affect the item or items to which he or she does not
35 object.

1 Sec. 29. (1) The Congress may, by law, authorize the President to fix within specified limits,
2 and subject to such limitations and restrictions as it may impose, tariff rates, import and export
3 quotas, tonnage and wharfage dues, and other duties or imposts within the framework of the
4 national development program of the Government.

5 (2) Charitable institutions, churches and parsonages or convents appurtenant thereto,
6 mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and
7 exclusively used for religious, charitable, or educational purposes shall be exempt from real
8 property tax.

9 Sec. 30. (1) No money shall be paid out of the Treasury except in pursuance of an
10 appropriation made by law.

11 (2) No public money or property shall be appropriated, applied, paid, or employed, directly or
12 indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution,
13 or system of religion, or of any priest, preacher, minister, other religious teacher, or dignitary as
14 such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces, or
15 to any penal institution, or government orphanage or leprosarium.

16 (3) All money collected on any tax levied for a special purpose shall be treated as a special
17 fund and paid out for such purpose only. If the purpose for which a special fund was created has
18 been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the
19 Government.

20 Sec. 31. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as
21 provided in this Constitution without its advice and concurrence.

22 Sec. 32. No law granting a title of royalty or nobility shall be enacted.

23 Sec. 33. The Congress may enact or amend laws that provide for a system of initiative and
24 referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws
25 or approve or reject any act or law or part thereof passed by the Congress or any local legislative
26 body after the registration of a petition therefor signed by at least 2.5 *per centum* of the total
27 number of registered voters, of which every legislative district must be represented by at least one
28 (1) per centum of the registered voters thereof.

29 Sec. 34. Members of Congress may be removed from office through recall as may be provided
30 by law.

1 ARTICLE IX

2 **The Executive Department**

3
4 Section 1. The executive power shall be vested in the President of the Philippines.

5 Sec. 2. No person shall be elected President unless he or she is a natural-born citizen of the
6 Philippines, a registered voter, at least forty-five (45) years of age on the day of the election, holder
7 of a college degree, and domiciled in the Philippines for at least ten (10) years immediately
8 preceding such election.

9 Sec. 3. There shall be a Vice-President who shall have the same qualifications and term of
10 office and be elected with and in the same manner as the President. He or she may be removed
11 from office in the same manner as the President.

12 The Vice-President may be appointed as a Member of the Cabinet. Such appointment requires
13 no confirmation.

14 Sec. 4. The President and the Vice President shall be elected by direct vote of the people for
15 a term of four (4) years, which shall begin at noon on the thirtieth day of June following the day
16 of the election and shall end at noon on the same date four (4) years thereafter.

17 Both the President and Vice President shall be eligible for reelection to one (1) term. A person
18 who has succeeded to the office of the President and has served as such for at least two (2) years
19 and has been elected as President for a fresh term shall be ineligible for election to the same office
20 at any other time.

21 No person shall be elected to the office of the President for more than two terms.

22 The President and the Vice President must be from the same party and shall be elected as a
23 team. A vote for the presidential candidate shall be counted as a vote for his or her vice presidential
24 candidate.

25 No Vice President shall serve for more than two (2) consecutive terms. Voluntary renunciation
26 of the office for any length of time shall not be considered as an interruption in the continuity of
27 the service for the full term for which he or she was elected.

28 Unless otherwise provided by law, the regular election for President and Vice President shall
29 be held on the second Monday of May.

30 The returns of every election for President and Vice President, duly certified by the board of
31 canvassers of each province or city, shall be transmitted to the Congress, directed to the President
32 of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later
33 than thirty (30) days after the day of the election, open all certificates in the presence of the Senate

1 and the House of Representatives in joint public session, and the Congress, upon determination of
2 the authenticity and due execution thereof in the manner provided by law, canvass the votes.

3 The person having the highest number of votes shall be proclaimed elected, but in case two
4 (2) or more shall have an equal and highest number of votes, one of them shall forthwith be chosen
5 by the vote of a majority of all the Members of both Houses of the Congress, voting separately.

6 The Congress shall promulgate its rules for the canvassing of the certificates.

7 The Supreme Court, sitting *en banc*, shall be the sole judge of all contests relating to the
8 election, returns, and qualifications of the President or Vice President, and may promulgate its
9 rules for the purpose.

10 Sec. 5. Before they enter on the execution of their office, the President, the Vice President, or
11 the Acting President shall take the following oath or affirmation:

12 "I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as
13 President (or Vice President or Acting President) of the Philippines, preserve and defend its
14 Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the
15 Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

16 Sec. 6. The President shall have an official residence. The salaries of the President and Vice-
17 President shall be determined by law and shall not be decreased during their tenure. No increase
18 in said compensation shall take effect until after the expiration of the term of the incumbent during
19 which such increase was approved. They shall not receive during their tenure any other emolument
20 from the Government or any other source.

21 Sec. 7. The President-elect and the Vice President-elect shall assume office at the beginning
22 of their terms.

23 If the President-elect fails to qualify, the Vice President-elect shall act as President until the
24 President-elect shall have qualified.

25 If a President shall not have been chosen, the Vice President-elect shall act as President until
26 a President shall have been chosen and qualified.

27 If at the beginning of the term of the President, the President-elect shall have died or shall
28 have become permanently disabled, the Vice President-elect shall become President.

29 Where no President and Vice President shall have been chosen or shall have qualified, or
30 where both shall have died or become permanently disabled, the President of the Senate or, in case
31 of his or her inability, the Speaker of the House of Representatives shall act as President until a
32 President or a Vice President shall have been chosen and qualified.

1 The Congress shall, by law, provide for the manner in which one who is to act as President
2 shall be selected until a President or a Vice President shall have qualified, in case of death,
3 permanent disability, or inability of the officials mentioned in the next preceding paragraph.

4 Sec. 8. In case of death, permanent disability, removal from office, or resignation of the
5 President, the Vice President shall become the President to serve the unexpired term. In case of
6 death, permanent disability, removal from office, or resignation of both the President and Vice
7 President, the President of the Senate or, in case of his or her inability, the Speaker of the House
8 of Representatives, shall then act as President until the President or Vice President shall have been
9 elected and qualified.

10 The Congress shall, by law, provide who shall serve as President in case of death, permanent
11 disability, or resignation of the Acting President. He or she shall serve until the President or the
12 Vice President shall have been elected and qualified, and be subject to the same restrictions of
13 powers and disqualifications as the Acting President.

14 Sec. 9. Whenever there is a vacancy in the Office of the Vice President during the term for
15 which he or she was elected, the President shall nominate a Vice President from among the
16 Members of the House of Representatives and the Senate who shall assume office upon
17 confirmation by a majority vote of all the Members of both Houses of the Congress, voting
18 separately.

19 Sec. 10. The Congress shall, at ten o'clock in the morning of the third day after the vacancy
20 in the offices of the President and Vice President occurs, convene in accordance with its rules
21 without need of a call and within seven days enact a law calling for a special election to elect a
22 President and a Vice President to be held not earlier than forty-five (45) days nor later than sixty
23 (60) days from the time of such call. The bill calling such special election shall be deemed certified
24 under paragraph 2, Section 27, Article VIII of this Constitution and shall become law upon its
25 approval on third reading by the Congress. Appropriations for the special election shall be charged
26 against any current appropriations and shall be exempt from the requirements of paragraph 4,
27 Section 26, Article VIII of this Constitution. The convening of the Congress cannot be suspended
28 nor the special election postponed. No special election shall be called if the vacancy occurs within
29 eighteen months before the date of the next presidential election.

30 Sec. 11. Whenever the President transmits to the Speaker of the House of Representatives and
31 the President of the Senate his or her written declaration that he or she is unable to discharge the
32 powers and duties of his or her office, and until he or she transmits to them a written declaration
33 to the contrary, such powers and duties shall be discharged by the Vice President as Acting
34 President.

35 Whenever a majority of all the Members of the Cabinet transmit to the Speaker of the House
36 of Representatives and the President of the Senate their written declaration that the President is

1 unable to discharge the powers and duties of his or her office, the Vice President shall immediately
2 assume the powers and duties of the office as Acting President.

3 Thereafter, when the President transmits to the Speaker of the House of Representatives and
4 the President of the Senate his or her written declaration that no inability exists, he or she shall
5 reassume the powers and duties of his or her office. Meanwhile, should a majority of all the
6 Members of the Cabinet transmit within five (5) days to the Speaker of the House of
7 Representatives and the President of the Senate their written declaration that the President is unable
8 to discharge the powers and duties of his or her office, the Congress shall decide the issue. For that
9 purpose, the Congress shall convene, if it is not in session, within forty-eight (48) hours, in
10 accordance with its rules and without need of call.

11 If the Congress, within ten (10) days after receipt of the last written declaration, or, if not in
12 session, within twelve days after it is required to assemble, determines by a two-thirds ($\frac{2}{3}$) vote of
13 both Houses, voting separately, that the President is unable to discharge the powers and duties of
14 his or her office, the Vice President shall act as the President; otherwise, the President shall
15 continue exercising the powers and duties of his or her office.

16 Sec. 12. In case of serious illness of the President, the public shall be informed of the State of
17 his or her health. The Members of the Cabinet in charge of national security and foreign relations
18 and the Chief of Staff of the Armed Forces of the Philippines, shall not be denied access to the
19 President during such illness.

20 Sec. 13. The President, Vice President, the Members of the Cabinet, and their deputies or
21 assistants shall not, unless otherwise provided in this Constitution, hold any other office or
22 employment during their tenure. They shall not, during said tenure, directly or indirectly, practice
23 any other profession, participate in any business, or be financially interested in any contract with,
24 or in any franchise, or special privilege granted by the Government or any subdivision, agency, or
25 instrumentality thereof, including government-owned or controlled corporations or their
26 subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office.

27 The spouse and relatives by consanguinity or affinity within the fourth civil degree of the
28 President shall not during his or her tenure be appointed as members of the Constitutional
29 Commissions, or the Office of the Ombudsman, or as Secretaries, Undersecretaries, chairpersons
30 or heads of bureaus or offices, including government-owned or controlled corporations and their
31 subsidiaries.

32 Sec. 14. Appointments extended by an Acting President shall remain effective, unless revoked
33 by the elected President within ninety (90) days from his or her assumption or reassumption of
34 office.

35 Sec. 15. Two (2) months immediately before the next presidential elections and up to the end
36 of his or her term, a President or Acting President shall not make appointments, except temporary

1 appointments to executive positions when continued vacancies therein will prejudice public
2 service or endanger public safety.

3 Sec. 16. The President shall nominate and, with the consent of the Commission on
4 Appointments, appoint the following:

5 (1) Heads of the executive departments, ambassadors, other public ministers and consuls, or
6 officers of the armed forces from the rank of colonel or naval captain, and other officers
7 whose appointments are vested in him or her in this Constitution.
8

9 (2) The Ombudsman and his or her deputies, and the chairpersons and members of the
10 constitutional commissions; and
11

12 (3) All other officers of the Government whose appointments are not otherwise provided for
13 by law, and those whom he or she may be authorized by law to appoint. The Congress
14 may, by law, vest the appointment of other officers lower in rank in the President alone,
15 in the courts, or in the heads of departments, agencies, commissions, or boards.

16 The President shall have the power to make appointments during the recess of the Congress,
17 whether voluntary or compulsory, but such appointments shall be effective only until after
18 disapproval by the Commission on Appointments or until the next adjournment of the Congress.

19 Sec. 17. The President shall have control over all the executive departments, bureaus, and
20 offices. He or she shall ensure that the laws are faithfully executed.

21 Sec. 18. The President shall be the Commander-in-Chief of all armed forces of the Philippines
22 and, whenever it becomes necessary, may call out such armed forces to prevent or suppress lawless
23 violence, invasion, or rebellion. In case of invasion, rebellion, or lawless violence when the public
24 safety requires it, he or she may, for a period not exceeding sixty (60) days, suspend the privilege
25 of the writ of habeas corpus or place the Philippines or any part thereof under martial law. Within
26 forty-eight (48) hours from the proclamation of martial law or the suspension of the privilege of
27 the writ of habeas corpus, the President shall submit a report in person or in writing to the Congress.
28 The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special
29 session, may revoke such proclamation or suspension, which revocation shall not be set aside by
30 the President. Upon the initiative of the President, the Congress may, in the same manner, extend
31 such proclamation or suspension for a period to be determined by the Congress, if the invasion or
32 rebellion shall persist and public safety requires it.

33 The Congress, if not in session, shall, within twenty-four (24) hours following such
34 proclamation or suspension, convene in accordance with its rules without any need of a call.

35 The Supreme Court may review, in an appropriate proceeding filed by any citizen, the
36 sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege

1 of the writ or the extension thereof, and must promulgate its decision thereon within thirty (30)
2 days from its filing.

3 A state of martial law does not suspend the operation of the Constitution, nor supplant the
4 functioning of the civil courts or legislative assemblies, nor authorize the conferment of
5 jurisdiction on military courts and agencies over civilians where civil courts are able to function,
6 nor automatically suspend the privilege of the writ.

7 The suspension of the privilege of the writ shall apply only to persons judicially charged for
8 rebellion or offenses inherent in or directly connected with the invasion.

9 During the suspension of the privilege of the writ, any person thus arrested or detained shall
10 be judicially charged within three (3) days, otherwise he or she shall be released.

11 Sec. 19. Except in cases of impeachment, or as otherwise provided in this Constitution, the
12 President may grant reprieves, commutations and pardons, and remit fines and forfeitures, after
13 conviction by final judgment.

14 He or she shall also have the power to grant amnesty with the concurrence of a majority of all
15 the Members of the Congress voting separately.

16 Sec. 20. The President may contract or guarantee foreign loans on behalf of the Republic of
17 the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations
18 as may be provided by law. The Monetary Board shall, within thirty (30) days from the end of
19 every quarter of the calendar year, submit to the Congress a complete report of its decisions on
20 applications for loans to be contracted or guaranteed by the Government or government-owned
21 and controlled corporations which would have the effect of increasing the foreign debt, and
22 containing other matters as may be provided by law.

23 Sec. 21. No treaty or international agreement shall be valid and effective unless concurred in
24 by at least two-thirds ($\frac{2}{3}$) of all the Members of the Senate.

25 No foreign military bases, troops, and facilities shall be allowed in the Philippines except
26 under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by the
27 majority of the votes cast by the people in a national referendum held for that purpose, and
28 recognized as a treaty by the other contracting state.

29 Sec. 22. The President shall submit to the Congress within thirty (30) days from the opening
30 of every regular session, as the basis of the general appropriations bill, a budget of expenditures
31 and sources of financing, including receipts from existing and proposed revenue measures.

32 Sec. 23. The President shall address the Congress at the opening of its regular session. He or
33 she may also appear before it at any other time.

1 ARTICLE X

2 **The Judiciary**

3
4 Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts
5 as may be established by law.

6 Judicial power includes the duty of the courts of justice to settle actual controversies involving
7 rights which are legally demandable and enforceable, and to determine whether or not there has
8 been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any
9 branch or instrumentality of the Government.

10 Sec. 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction
11 of the various courts but may not deprive the Supreme Court of its jurisdiction over cases
12 enumerated in Section 5 of this article. No law shall be passed reorganizing the judiciary when it
13 undermines the security of tenure of its members.

14 Sec. 3. The Judiciary shall enjoy fiscal autonomy. Appropriations for the Judiciary may not
15 be reduced by the legislature below the amount appropriated for the previous year and, after app
16 approval, shall be automatically and regularly released.

17 Sec. 4. No person shall be appointed Member of the Supreme Court or any lower collegiate
18 court unless he or she is a natural-born citizen of the Philippines. A Member of the Supreme Court
19 must be at least forty years of age, and must have been for fifteen (15) years or more, a judge of a
20 lower court or engaged in the practice of law in the Philippines.

21 Sec 5. The Supreme Court shall have the following powers:

- 22 (1) Exercise original jurisdiction over cases affecting ambassadors, other public
23 ministers and consuls, and over petitions for certiorari, prohibition, mandamus, *quo*
24 *warranto*, and habeas corpus.
25
26 (2) Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the
27 Rules of Court may provide, final judgments and orders of lower courts in:
28 a. All cases in which the constitutionality or validity of any treaty, international or
29 executive agreement, law, presidential decree, proclamation, order, instruction,
30 ordinance, or regulation is in question. Original jurisdiction over petitions for
31 *quo warranto*, writs of *habeas corpus*, *amparo*, *habeas data*, and *kalikasan* and
32 such other special proceedings as the law or the rules of court may provide.
33 b. All cases involving the legality of any tax, impost, assessment, or toll, or any
34 penalty imposed in relation thereto.
35 c. All cases in which the jurisdiction of any lower court is in issue.

- d. All criminal cases in which the penalty imposed is *reclusion perpetua* or higher.
e. All cases in which only an error or question of law is involved.

- (3) Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
- (4) Order a change of venue or place of trial to avoid a miscarriage of justice.
- (5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.
- (6) Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

Sec 6. (1) The Supreme Court shall be composed of a Chief Justice and fourteen (14) Associate Justices. It may sit *en banc* or in its discretion, in division of three (3), five (5), or seven (7) Members. Any vacancy shall be filled within ninety (90) days from such vacancy.

(2) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court *en banc*, and all other cases which under the Rules of Court are required to be heard *en banc*, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided *en banc*: Provided, that no doctrine or principle of law laid down by the court in a decision rendered *en banc* or in division may be modified or reversed except by the court sitting *en banc*.

Sec 7. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

(2) The Congress shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he or she is a citizen of the Philippines and a member of the Philippine Bar.

(3) A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.

Sec 8. There shall be a Judicial Appointments and Disciplinary Council composed of the following ex-officio members:

- (1) Chief Justice of the Supreme Court;
- (2) Court Administrator of the Supreme Court;
- (3) A representative from the Senate belonging to the minority;
- (4) A Representative from the House of Representatives belonging to the minority;
- (5) Chairperson of the Civil Service Commission; and the
- (6) Secretary of Justice;

The Council shall have the following regular members:

- (1) A representative from the Integrated Bar of the Philippines;
- (2) A law professor designated by the Philippine association of law schools; and
- (3) A retired member of the Supreme Court to be designated by the Association of the Retired Justices of the Supreme Court.

The regular members shall serve for a term of two (2) years without reappointment and their appointment shall not require confirmation. Any vacancy shall be filled within ninety (90) days from the occurrence thereof by the same appointing authority.

Sec 9. The Council shall have the principal function of recommending appointees to the judiciary. It shall also have the following powers and duties:

- (1) To conduct a thorough search and investigation to find the most qualified candidates for the vacant positions for all justices and judges;
- (2) To recommend to the proper appointing authority the promotion or transfer of justices and judges;
- (3) To investigate disciplinary cases filed against the members, officials, and employees of the judiciary. It shall submit its findings to the Supreme Court which shall have final disciplinary authority over their respective officials and employees;
- (4) Promulgate its own rules and regulations and publish the same; and
- (5) Perform other powers and functions as may be prescribed by law.

Sec 10. The Members of the Supreme Court and justices and judges of the lower courts shall be appointed by the President from a list of at least three nominees prepared by the Judicial

1 Appointments and Disciplinary Council for every vacancy. Such appointments need no
2 confirmation.

3 Sec 11. The salary of the Chief Justice and of the Associate Justices of the Supreme Court,
4 and of judges of lower courts shall be fixed by law.

5 Sec 12. The Members of the Supreme Court shall hold office during good behavior for a term
6 of ten (10) years or until they reach the age of seventy (70) years, whichever comes first, or become
7 incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the
8 power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the
9 Members who actually took part in the deliberations on the issues in the case and voted thereon.

10 Justices and judges of lower courts shall hold office during good behavior until they reach the
11 age of seventy (70) or become incapacitated to discharge duties of their office.

12 Sec 13. The Members of the Supreme Court and of other courts established by law shall not
13 be designated to any agency performing quasi-judicial or administrative functions.

14 Sec 14. The conclusions of the Supreme Court in any case submitted to it for decision *en*
15 *banc* or in division shall be reached in consultation before the case is assigned to a Member for the
16 writing of the opinion of the Court. A certification to this effect signed by the Chief Justice shall
17 be issued and a copy thereof attached to the record of the case and served upon the parties. Any
18 Member who took no part, or dissented, or abstained from a decision or resolution must state the
19 reason therefor. The same requirements shall be observed by all lower collegiate courts.

20 Sec 15. No decision shall be rendered by any court without expressing therein clearly and
21 distinctly the facts and the law on which it is based.

22 No petition for review or motion for reconsideration of a decision of the court shall be refused
23 due course or denied without stating the legal basis therefor.

24 Sec 16. (1) All cases or matters filed after the effectivity of this Constitution must be decided
25 or resolved within twenty-four (24) months from date of submission to the Supreme Court, and,
26 unless reduced by the Supreme Court, twelve (12) months for all lower collegiate courts, and three
27 (3) months for all other lower courts.

28 (2) A case or matter shall be deemed submitted for decision or resolution upon the filing of
29 the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.

30 (3) Upon the expiration of the corresponding period, a certification to this effect signed by the
31 Chief Justice or the presiding judge shall forthwith be issued and a copy thereof attached to the
32 record of the case or matter, and served upon the parties. The certification shall state why a decision
33 or resolution has not been rendered or issued within said period.

1 (4) Despite the expiration of the applicable mandatory period, the court, without prejudice to
2 such responsibility as may have been incurred in consequence thereof, shall decide or resolve the
3 case or matter submitted thereto for determination, without further delay.

4 Sec 17. The Supreme Court shall, within thirty (30) days from the opening of each regular
5 session of the Congress, submit to the President and the Congress an annual report on the
6 operations and activities of the Judiciary.

7 8 ARTICLE XI

9 Constitutional Commissions

10 A. Common Provisions

11 Section 1. The Constitutional Commissions, which shall be independent, are the Civil Service
12 Commission, the Commission on Elections, the Commission on Audit, and the Commission on
13 Human Rights.

14 Sec. 2. No member of a Constitutional Commission shall, during his or her tenure, hold any
15 other office or employment. Neither shall he or she engage in the practice of any profession or in
16 the active management or control of any business which, in any way, may be affected by the
17 functions of his or her office, nor shall he or she be financially interested, directly or indirectly, in
18 any contract with, or in any franchise or privilege granted by the Government, any of its
19 subdivisions, agencies, or instrumentalities, including government-owned or controlled
20 corporations or their subsidiaries.

21 Sec. 3. The salary of the Chairperson and the Commissioners shall be fixed by law and shall
22 not be decreased during their tenure.

23 Sec. 4. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations
24 shall be automatically and regularly released.

25 Sec. 5. The Constitutional Commissions shall appoint their officials and employees in
26 accordance with law.

27 Sec. 6. Each Commission *en banc* may promulgate its own rules concerning pleadings and
28 practice before it or before any of its offices. Such rules, however, shall not diminish, increase, or
29 modify substantive rights.

30 Sec. 7. Each Commission shall decide by a majority vote of all its Members, any case or matter
31 brought before it within sixty (60) days from the date of its submission for decision or resolution.
32 A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading,
33 brief, or memorandum required by the rules of the Commission or by the Commission itself.

1 Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each
2 Commission may be brought to the Supreme Court on *certiorari* by the aggrieved party within
3 thirty (30) days from receipt of a copy thereof.

4 Sec. 8. Each Commission shall perform such other functions as may be provided by law.

5 **B. The Civil Service Commission**

6 Section 1. (1) The civil service organization shall be administered by the Civil Service
7 Commission composed of a Chairperson and eight (8) Commissioners who shall be natural-born
8 citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of
9 age, with proven capacity for public administration, and must not have been candidates for any
10 elective position in the elections immediately preceding their appointment.

11 (2) The Chairperson and the Commissioners shall be appointed by the President with the
12 consent of the Commission on Appointments for a term of seven (7) years without reappointment.
13 the Civil Service Commission shall be divided into three (3) Divisions with three (3) members
14 each. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no
15 case shall any Member be appointed or designated in a temporary or acting capacity.

16 Sec. 2. (1) The civil service embraces all branches, subdivisions, instrumentalities, and
17 agencies of the Government, including government-owned or controlled corporations with original
18 charters.

19 (2) Appointments in the civil service shall be made only according to merit and fitness to be
20 determined, as far as practicable, and, except to positions which are policy-determining, primarily
21 confidential, or highly technical, by competitive examination.

22 (3) No officer or employee of the civil service shall be removed or suspended except for cause
23 provided by law.

24 (4) No officer or employee in the civil service shall engage, directly or indirectly, in any
25 electioneering or partisan political campaign.

26 (5) The right to self-organization shall not be denied to government employees.

27 (6) Temporary employees of the Government shall be given such protection as may be
28 provided by law.

29 Sec. 3. The Civil Service Commission, as the central personnel agency of the Government,
30 shall establish a career service and adopt measures to promote morale, efficiency, integrity,
31 responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and
32 rewards system, integrate all human resources development programs for all levels and ranks, and
33 institutionalize a management climate conducive to public accountability. It shall submit to the
34 President and the Congress an annual report on its personnel programs.

1 Sec. 4. All public officers and employees shall take an oath or affirmation to uphold and
2 defend this Constitution.

3 Sec. 5. The Congress shall provide for the standardization of compensation of government
4 officials and employees, including those in government-owned or controlled corporations with
5 original charters, taking into account the nature of the responsibilities pertaining to, and the
6 qualifications required for their positions.

7 Sec. 6. No candidate who has lost in any election shall, within one (1) year after such election,
8 be appointed to any office in the Government or any government-owned or controlled corporations
9 or in any of their subsidiaries.

10 Sec. 7. No elective official shall be eligible for appointment or designation in any capacity to
11 any public office or position during his or her tenure.

12 Unless otherwise allowed by law or by the primary functions of his or her position, no
13 appointive official shall hold any other office or employment in the Government or any
14 subdivision, agency or instrumentality thereof, including government-owned or controlled
15 corporations or their subsidiaries.

16 Sec. 8. No elective or appointive public officer or employee shall receive additional, double,
17 or indirect compensation, unless specifically authorized by law, nor accept without the consent of
18 the Congress, any present, emolument, office, or title of any kind from any foreign government.

19 Pensions or gratuities shall not be considered as additional, double, or indirect compensation.

20 **C. The Commission on Elections**

21 Section 1. (1) There shall be a Commission on Elections composed of a Chairperson and six
22 (6) Commissioners who shall be natural-born citizens of the Philippines and, at the time of their
23 appointment, at least thirty-five (35) years of age, holders of a college degree, and must not have
24 been candidates for any elective positions in the immediately preceding elections. However, a
25 majority thereof, including the Chairperson, shall be members of the Philippine Bar who have been
26 engaged in the practice of law for at least ten (10) years.

27 (2) The Chairperson and the Commissioners shall be appointed by the President with the
28 consent of the Commission on Appointments for a term of seven (7) years without reappointment.
29 Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case
30 shall any Member be appointed or designated in a temporary or acting capacity.

31 Sec. 2. The Commission on Elections shall exercise the following powers and functions:

32 (1) Enforce and administer all laws and regulations relative to the conduct of an election,
33 plebiscite, initiative, referendum, and recall.

- (2) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
- (3) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.
- (4) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government, and accredit citizens' arms of the Commission on Elections.
- (5) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates.
- (6) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision.
- (7) Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

Sec. 3. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

Sec. 4. No pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations shall be granted by the President without the favorable recommendation of the Commission.

Sec. 5. Unless otherwise fixed by the Constitution in special cases, the election period shall commence ninety (90) days before the day of election and shall end thirty (30) days thereafter. The campaign period for local elections shall be limited to a maximum of thirty (30) days while the campaign period for the national elections shall be for a maximum of ninety (90) days.

Sec. 6. *Bona fide* candidates for any public office shall be free from any form of harassment and discrimination.

Sec. 7. Funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the

1 regular or special appropriations and, once approved, shall be released automatically upon
2 certification by the Chairperson of the Commission.

3 Sec. 8. The power of the Commission on Elections to investigate and cause the prosecution of
4 election-related crimes shall be vested in the Department of Justice. The Courts within whose
5 territorial jurisdiction the offenses are committed shall have jurisdiction to hear and decide said
6 crimes.

7 **D. The Commission on Audit**

8 Section 1. (1) There shall be a Commission on Audit composed of a Chairperson and two (2)
9 Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their
10 appointment, at least thirty-five (35) years of age, Certified Public Accountants with at least ten
11 (10) years of auditing experience, or members of the Philippine Bar who have been engaged in the
12 practice of law for at least ten (10) years, and must not have been candidates for any elective
13 position in the elections immediately preceding their appointment. At no time shall all Members
14 of the Commission belong to the same profession.

15 (2) The Chairperson and the Commissioners shall be appointed by the President with the
16 consent of the Commission on Appointments for a term of seven (7) years without reappointment.
17 Of those first appointed, the Chairperson shall hold office for seven (7) years, one Commissioner
18 for five (5) years, and the other Commissioner for three (3) years, without reappointment.
19 Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.
20 In no case shall any Member be appointed or designated in a temporary or acting capacity.

21 Sec. 2. (1) The Commission on Audit shall have the power, authority, and duty to examine,
22 audit, and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of
23 funds and property, owned or held in trust by, or pertaining to, the Government, or any of its
24 subdivisions, agencies, or instrumentalities, including government-owned or controlled
25 corporations with original charters, and on a post-audit basis: (a) constitutional bodies,
26 commissions and offices that have been granted fiscal autonomy under this Constitution; (b)
27 autonomous state colleges and universities; (c) other government-owned or controlled
28 corporations and their subsidiaries; and (d) such non-governmental entities receiving subsidy or
29 equity, directly or indirectly, from or through the Government, which are required by law or the
30 granting institution to submit to such audit as a condition of subsidy or equity. However, where
31 the internal control system of the audited agencies is inadequate, the Commission may adopt such
32 measures, including temporary or special pre-audit, as are necessary and appropriate to correct the
33 deficiencies. It shall keep the general accounts of the Government and, for such period as may be
34 provided by law, preserve the vouchers and other supporting papers pertaining thereto.

35 (2) The Commission shall have exclusive authority, subject to the limitations in this Article,
36 to define the scope of its audit and examination, establish the techniques and methods required
37 therefor, and promulgate accounting and auditing rules and regulations, including those for the

1 prevention and disallowance of irregular, unnecessary, excessive, extravagant, or unconscionable
2 expenditures or uses of government funds and properties.

3 Sec. 3. No law shall be passed exempting any entity of the Government or its subsidiaries in
4 any guise whatever, or any investment of public funds, from the jurisdiction of the Commission
5 on Audit.

6 Sec. 4. The Commission shall submit to the President and the Congress, within the time fixed
7 by law, an annual report covering the financial condition and operation of the Government, its
8 subdivisions, agencies, and instrumentalities, including government-owned or controlled
9 corporations, and non-governmental entities subject to its audit, and recommend measures
10 necessary to improve their effectiveness and efficiency. It shall submit such other reports as may
11 be required by law.

12 **E. The Commission on Human Rights**

13 Section 1. (1) There shall be a Commission on Human Rights composed of a Chairperson and
14 four (4) COMMISSIONERS who must be natural-born citizens of the Philippines and a majority
15 of whom shall be members of the bar. The term of office and other qualifications and disabilities
16 of the members of the commission shall be provided by law.

17 (2) The Chairperson and the Commissioners shall be appointed by the President with the
18 consent of the Commission on Appointments for a term of seven (7) years without reappointment.
19 Of those first appointed, the Chairperson shall hold office for seven (7) years, one Commissioner
20 for five (5) years, the other Commissioner for three (3) years, and the last two (2) Commissioners
21 for two (2) years, without reappointment. appointment to any vacancy shall be only for the
22 unexpired portion of the term of the predecessor. In no case shall any Member be appointed or
23 designated in a temporary or acting capacity.

24 (3) The approved annual appropriations of the Commission shall be automatically and
25 regularly released.

26 Sec. 2. The Commission on Human Rights shall have the following powers and functions:

- 27 (1) Investigate, on its own or on complaint by any party, all forms of human rights violations
28 involving civil and political rights;
- 29 (2) Adopt its operational guidelines and rules of procedure, and cite for contempt for
30 violations thereof in accordance with the rules of court;
- 31 (3) Provide appropriate legal measures for the protection of human rights of all persons within
32 the Philippines, as well as Filipinos residing abroad, and provide for preventive measures
33 and legal aid services to the underprivileged whose human rights have been violated or
34 need protection;
- 35 (4) Exercise visitorial powers over jails, prisons, or detention facilities;

- (5) Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;
- (6) Recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
- (7) Monitor the Philippine government's compliance with international treaty obligations on human rights;
- (8) Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
- (9) Request the assistance of any department, bureau, office, or agency in the performance of its functions;
- (10) Appoint its officers and employees in accordance with law; and
- (11) Perform such other duties and functions as may be provided by law.

Sec 3. The Congress may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

ARTICLE XII

Local Governments and Federal States

A. General Provisions

Section 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be federal states in the country as provided in this article.

Sec. 2. The State shall ensure that the territorial and political subdivisions enjoy local autonomy.

Sec. 3. Congress shall strengthen the existing Local Government Code to provide for a more responsive and accountable local government structure instituted through a system of decentralization and devolution with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources. The Code shall provide for the qualifications, election, appointment and removal, term, salaries, powers, and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.

Sec. 4. The President shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays, shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.

1 Sec. 5. Each local government and federal state shall have the power to create its own sources
2 of revenue and to levy taxes, fees, and charges subject to such guidelines and limitations as
3 Congress may provide. Such taxes, fees, and charges shall accrue to the concerned local
4 governments or autonomous territories.

5 Sec. 6. The National Government is mandated to provide local governments their just share,
6 as determined by law, in the national taxes, which shall be automatically released to them.

7 Sec. 7. Local governments shall be entitled to an equitable share in the proceeds of the
8 utilization and development of the national wealth within their respective areas, including but not
9 limited to off-shore sites beyond the municipal waters, in the manner provided by law, which shall
10 be automatically released to them, including sharing the same with the inhabitants by way of direct
11 benefits. Local governments may be authorized by law to collect the proceeds and retain their
12 equitable share.

13 Sec. 8. The term of office of elective local officials shall be four (4) years except barangay
14 officials, which shall be determined by law.

15 Sec. 9. No province, city, municipality, or barangay may be created, divided, merged,
16 abolished, or its boundary substantially altered, except in accordance with the criteria established
17 in the Local Government Code and subject to approval by a majority of the votes cast in a plebiscite
18 in the political units affected.

19 Sec. 10. Congress may, by law, create special metropolitan subdivisions, subject to approval
20 by the majority of the votes cast in the areas affected. The component cities and municipalities
21 shall retain their basic autonomy and shall be entitled to their own local executives and legislative
22 bodies.

23 Sec. 11. Highly urbanized cities, as determined by law, shall be independent of the province.
24 The voters of component cities, regardless of the provisions of their respective charters, shall not
25 be deprived of their right to vote for elective provincial officials. All component cities shall be
26 under the supervision of the provincial government.

27 **B. Federal States**

28 Sec. 12. A federal state may be created in any part of the country upon a petition addressed to
29 Congress by any contiguous, compact, and adjacent provinces, highly urbanized and component
30 cities, and cities and municipalities in metropolitan areas through a resolution of their respective
31 bodies, subject to approval by a majority of the votes cast in a plebiscite in the political units
32 affected.

1 In exceptional cases, a province may be established as a federal state based on area,
2 population, necessity, geographical distance, environmental, economic, and fiscal viability, and
3 other special attributes.

4 Sec. 13. Within one year from the filing of the bill which passed upon the petitions and
5 initiatives, Congress shall pass an organic act which shall define the basic structure of government
6 for the autonomous territory, consisting of a unicameral territorial assembly whose members shall
7 be elective and representative of the constituent political units. The organic acts shall provide for
8 courts consistent with the provisions of their constitutions and national laws.

9 The creation of the autonomous territories shall be effective when ratified by a majority of the
10 votes cast by their proposed constituent units in a plebiscite called for the purpose.

11 Sec. 14. The federal states shall support the National Government in maintaining the integrity
12 and independence of the Republic and shall comply with and enforce this Constitution and all
13 national laws.

14 Sec. 15. When a law of a federal state or a local government is inconsistent with the national
15 law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

16 Sec. 16. Subject to the provisions of this Constitution and the national laws, the organic act
17 of a federal state shall provide for the primary legislative powers of its assembly within its
18 territorial jurisdiction over the following:

- 19 (1) Administrative organization, planning, budget, and management;
- 20 (2) Creation of sources of revenues and finance;
- 21 (3) Agriculture and fisheries;
- 22 (4) Natural resources, energy, environment, indigenous appropriate technologies and
23 inventions;
- 24 (5) Trade, industry, and tourism;
- 25 (6) Labor and employment;
- 26 (7) Public works, transportation, except railways, shipping, and aviation;
- 27 (8) Health and social welfare;
- 28 (9) Education and the development of language, culture, and the arts as part of the cultural
29 heritage;
- 30 (10) Ancestral domain and natural resources;
- 31 (11) Housing, land use, and development;
- 32 (12) Urban and rural planning and development; and
- 33 (13) Such other matters as may be authorized by law for the promotion of the general welfare
34 of the people of the federal state.
35

1 ARTICLE XIII

2 **Accountability of Public Officers**

3
4 Section 1. (1) Public office is a public trust. Public officers and employees must at all times
5 be accountable to the people, serve them with utmost efficiency, integrity, and loyalty, act with
6 patriotism, and lead modest lives.

7 (2) Directors and trustees who represent the interests of the State in government-owned or -
8 controlled corporations with original charters as well as persons appointed to official positions in
9 said entities, are public officers.

10 Sec. 2. The President, the Vice-President, the Members of the Supreme Court, the Members
11 of the Constitutional Commissions, and the Ombudsman may be removed from office, on
12 impeachment for and conviction of, culpable violation of the Constitution, treason, bribery, graft
13 and corruption. All other public officers and employees may be removed from office as provided
14 by law but not impeachment.

15 Sec. 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of
16 impeachment.

17 (2) A verified complaint for impeachment may be filed by any member of the House of
18 Representatives or by any citizen upon a resolution of endorsement by any of its members, which
19 shall be included in the order of business within ten (10) session days, and referred to the proper
20 committee within three (3) session days. The committee, after hearing, and by a majority vote of
21 all its members, shall submit its report to Congress within sixty (60) session days from such
22 referral, together with the corresponding resolution. The resolution shall be calendared for
23 consideration by Congress within ten (10) session days from its receipt.

24 (3) A vote of at least one-third ($\frac{1}{3}$) of all the members of Congress shall be necessary to affirm
25 a favorable resolution with the articles of impeachment of the committee or override its contrary
26 resolution. The vote of each member shall be entered in the journal.

27 (4) In case the verified complaint or resolution of impeachment is filed by at least one-third
28 ($\frac{1}{3}$) of all the Members of the House, the same shall constitute the Articles of Impeachment, and
29 trial by the Senate shall forthwith proceed.

30 (5) No impeachment proceedings shall be initiated against the same official more than once
31 within a period of one (1) year.

32 (6) The Senate shall have the sole power to try and decide all cases of impeachment. When
33 sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the
34 Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No

1 person shall be convicted without the concurrence of two-thirds ($\frac{2}{3}$) of all the Members of the
2 Senate.

3 (7) Judgment in cases of impeachment shall not extend further than removal from office and
4 disqualification to hold any office under the Republic of the Philippines, but the party convicted
5 shall also be liable and subject to prosecution, trial and punishment according to law.

6 (8) Congress shall promulgate its rules on impeachment to effectively carry out the purpose
7 of this section.

8 Sec. 4. The present anti-graft court known as the Sandiganbayan shall continue to function.

9 Sec. 5. The Office of the Ombudsman shall be composed of the Ombudsman, one (1) overall
10 deputy, and four (4) Deputy Ombudsmen. A separate Deputy for the military establishment may
11 likewise be appointed.

12 Sec. 6. The officials and employees of the Office of the Ombudsman, other than the Deputies,
13 shall be appointed by the Ombudsman according to civil service law.

14 Sec. 7. The Office of the Special Prosecutor shall continue to function and exercise its powers
15 as provided by law, except those conferred on the Office of the Ombudsman.

16 Sec. 8. The Ombudsman and his or her Deputies shall be natural-born citizens of the
17 Philippines, and at the time of their appointment, at least forty (40) years old, of recognized probity
18 and independence, members of the Philippine Bar, and must not have been candidates for any
19 elective office in the immediately preceding election. The Ombudsman must have at least been a
20 judge or engaged in the practice of law in the Philippines. During their tenure, they shall be subject
21 to disqualifications and prohibitions as provided for in this Constitution.

22 Sec. 9. The Ombudsman and his or her Deputies shall be appointed by the President.

23 Sec. 10. The Ombudsman and his or her Deputies shall have the rank of Chairperson and
24 Members, respectively, of the Constitutional Commissions, and they shall receive the same salary
25 as the members, which shall not be decreased during their term of office.

26 Sec. 11. The Ombudsman and his or her Deputies shall serve for a term of seven (7) years
27 without reappointment. They shall not be qualified to run for any office in the election immediately
28 succeeding their cessation from office.

29 Sec. 12. The Ombudsman and his or her Deputies, as protectors of the people, shall act
30 promptly on verified complaints filed against public officials or employees of the government, or
31 any of its subdivision, agency or instrumentality, including government-owned or -controlled
32 corporations, and shall, in appropriate cases, notify the complainants of the action taken and ITS
33 result.

1 Sec. 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

- 2 (1) Investigate on its own, or on complaint by any person, any act or omission of any public
3 official, employee, office or agency, when such act or omission appears to be illegal,
4 unjust, improper, or inefficient.
- 5 (2) Direct, upon complaint or at its own instance, any public official or employee of the
6 government, or any of its subdivision, agency or instrumentality, as well as of any
7 government-owned or controlled corporation with original charter, to perform and
8 expedite any act or duty required by law, or to stop, prevent, and correct any abuse or
9 impropriety in the performance of duties.
- 10 (3) Direct the officer concerned to take appropriate action against a public official or
11 employee at fault, and recommend his or her removal, suspension, demotion, fine,
12 censure, or prosecution, and ensure compliance with such action.
- 13 (4) Direct the officer concerned, in any appropriate case, and subject to such limitations as
14 may be provided by law, to furnish it with copies of documents relating to contracts or
15 transactions entered into by his or her office involving the disbursement or use of public
16 funds or properties and report any irregularity to the commission on audit for appropriate
17 action.
- 18 (5) Request any government agency for assistance and information necessary in the discharge
19 of its responsibilities, and to examine, if necessary, pertinent records and documents.
- 20 (6) Publish matters covered by its investigation when circumstances so warrant and with due
21 prudence.
- 22 (7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in
23 the Government and make recommendations for their elimination, and the observance of
24 high standards of ethics and efficiency.
- 25 (8) Promulgate its rules of procedure and exercise such other powers or perform such
26 functions or duties as may be provided by law.

27 Sec. 14. The Office of the Ombudsman shall enjoy fiscal autonomy. Its annual appropriations
28 shall be automatically and regularly released.

29 Sec. 15. A public officer or employee shall, upon assumption of office and as often as may be
30 required by law, submit a declaration under oath of his or her assets, liabilities, net worth and
31 annual income including the sources and application of funds. In the case of the President,
32 Members of the Cabinet, the Congress, Supreme Court, Constitutional Commissions and other
33 Constitutional Offices, and officers of the armed forces general or flag rank, the declaration shall
34 be disclosed to the public through publication in newspapers of general circulation.

35 Sec. 16. The right of the State to recover properties unlawfully acquired by public officials or
36 employees, from them or from their nominees or transferees, shall not be barred by prescription,
37 laches, or estoppel.

1 Sec. 4. The State shall protect the rights of indigenous cultural peoples to their ancestral
2 domains to ensure their economic, social, and cultural well-being.

3 Sec. 5. The State shall, by law, regulate and exercise authority over foreign investments within
4 its national jurisdiction and in accordance with its national goals and priorities.

5 Sec. 6. The State shall pursue a trade policy that enhances Filipino competitiveness and serves
6 the public interest, with due regard for equity and reciprocity.

7 Sec. 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed
8 except to individuals, corporations, or associations qualified to acquire or hold lands of the public
9 domain, unless otherwise provided by law.

10 Sec 8. Notwithstanding the provisions of Section 7 of this Article, a natural-born citizen of
11 the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject
12 to limitations provided by law.

13 Sec 9. The State shall promote the sustained development of a reservoir of national talents
14 consisting of Filipino scientists, inventors, entrepreneurs, professionals, managers, high-level
15 technical human resources, skilled workers, and craftspeople in all fields. The State shall
16 encourage appropriate technology and regulate its transfer for the national benefit.

17 Sec. 10. The Congress shall strengthen the viability and growth of cooperatives as instruments
18 for social justice and economic development.

19 Sec. 11. Unless otherwise provided by law, no franchise, certificate, or any other form of
20 authorization for the operation of a public utility shall be granted except to citizens of the
21 Philippines or to corporations or associations organized under the laws of the Philippines, at least
22 sixty per centum of whose capital is owned by such citizens; nor shall such franchise, certificate,
23 or authorization be exclusive in character or for a longer period than fifty years. Neither shall any
24 such franchise or right be granted except under the condition that it shall be subject to amendment,
25 alteration, or repeal by the Congress when the common good so requires. The State shall encourage
26 equity participation in public utilities by the general public. The participation of foreign investors
27 in the governing body of any public utility enterprise shall be limited to their proportionate share
28 in its capital, and all the executive and managing officers of such corporation or association must
29 be citizens of the Philippines.

30 Sec. 12. The Congress shall not, except by general law, provide for the formation,
31 organization, or regulation of private corporations. Government-owned or controlled corporations
32 may be created or established by special charters in the interest of the common good and subject
33 to the test of economic viability. The Congress shall periodically review the social and economic
34 viability of such corporations as often as may be deemed necessary, but at least once every five
35 years.

Sec. 13. In times of national emergency, the State may, when the public interest so requires, during the emergency and under reasonable terms prescribed by it, temporarily direct or take over the operation of any privately-owned public utility or business.

Sec. 14. The State may, in the interest of national welfare or defense, establish and operate vital industries, facilities and assets and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Sec. 15. Pursuant to Section 1 hereof, the State shall enhance the economic efficiency and promote free competition in trade, industry, and commercial activities. No anti-competitive agreement or abuse of dominant position shall be allowed.

Sec. 16. Until the Congress otherwise provides, the Bangko Sentral ng Pilipinas, operating under existing laws, shall function as the central monetary authority.

Sec. 17. Foreign loans may only be incurred in accordance with law and the regulation of the monetary authority. Information on foreign loans obtained or guaranteed by the Government shall be made available to the public.

Sec. 18. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the national interest and subject to criminal and civil sanctions, as may be provided by law.

ARTICLE XV

General Provisions

Section 1. The flag of the Republic of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

Sec. 2. The Congress may, by law, adopt a new name for the country, a national anthem, or a national seal, which shall all be truly reflective and symbolic of the ideals, history, and traditions of the people. Such law shall take effect only upon its ratification by the people in a national referendum.

Sec. 3. The State may not be sued without its consent.

Sec. 4. The Armed Forces of the Philippines shall be composed of a citizen armed force which shall undergo military training and serve as may be provided by law. It shall keep a regular force necessary for the security of the State.

Sec. 5. (1) All members of the Armed Forces of the Philippines shall take an oath or affirmation to uphold and defend this Constitution.

1 (2) The State shall strengthen the patriotic spirit and nationalist consciousness of the military,
2 and respect for people's rights in the performance of their duty.

3 (3) Professionalism in the Armed Forces of the Philippines and adequate remuneration and
4 benefits of its members shall be a prime concern of the State. The armed forces shall be insulated
5 from partisan politics.

6 No member of the military shall engage, directly or indirectly, in any partisan political activity,
7 except to vote.

8 (4) No member of the Armed Forces of the Philippines in the active service shall, at any time,
9 be appointed or designated in any capacity to a civilian position in the governments, including
10 government-owned or controlled corporations or any of their subsidiaries.

11 (5) Laws on retirement of military officers shall not allow extension of their service.

12 (6) The officers and men of the regular force of the Armed Forces of the Philippines shall be
13 recruited proportionately from all provinces and cities as far as practicable.

14 (7) The tour of duty of the Chief of Staff, Vice Chief of Staff, Deputy Chief of Staff, and chiefs
15 of major services of the Armed Forces of the Philippines shall have a fixed term as prescribed by
16 law, unless sooner removed for cause. However, in times of war declared by Congress, or in the
17 interest of defense or national emergency as determined by the President, such tour of duty may
18 be extended by the President but not to exceed one year.

19 Sec. 6. The State shall provide immediate and adequate care, benefits, and other forms of
20 assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans.
21 Funds shall be provided therefor and due consideration shall be given them in the disposition of
22 agricultural lands of the public domain and, in appropriate cases, in the utilization of natural
23 resources.

24 Sec. 7. The State shall, from time to time, review to increase the pensions and other benefits
25 due to retirees of both the government and the private sectors.

26 Sec. 8. The State shall protect consumers from trade malpractices and from substandard or
27 hazardous products.

28 Sec. 9. The State shall provide the policy environment for the full development of Filipino
29 capability and the emergence of communication structures suitable to the needs and aspirations of
30 the nation and the balanced flow of information into, out of, and across the country, in accordance
31 with a policy that respects the freedom of speech and of the press.

32 Sec. 10. (1) The Congress shall regulate or prohibit monopolies in commercial mass media
33 when the public interest so requires. No combinations in restraint of trade or unfair competition
34 therein shall be allowed.

(2) The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare.

Sec. 11. The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

Sec. 12. (1) All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties. Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law.

(2) Subject to conditions prescribed by law, all grants, endowments, donations, or contributions used actually, directly, and exclusively for educational purposes shall be exempt from tax.

(3) The State, consistent with the national interest, shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfilment.

ARTICLE XVI

Amendments or Revisions

Section 1. Any amendment to, or revision of, this Constitution may be proposed by:

(1) The Congress, by a vote of two-thirds ($\frac{2}{3}$) of all its Members; or

(2) A constitutional convention.

Sec. 2. Amendments to this Constitution may likewise be directly proposed by the people through initiative upon a petition of at least twelve (12) *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three (3) *per centum* of the registered voters therein. No amendment under this section shall be authorized within five (5) years following the ratification of this Constitution nor oftener than once every five (5) years thereafter.

The Congress shall provide for the implementation of the exercise of this right.

Sec. 3. The Congress may, by a vote of two-thirds ($\frac{2}{3}$) of all its Members, call a constitutional convention, or by a majority vote of all its Members, submit to the electorate the question of calling such a convention.

Sec. 4. Any amendment to, or revision of, this Constitution under Section 1 hereof shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty (60) days nor later than ninety (90) days after the approval of such amendment or revision.

Any amendment under Section 2 hereof shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty (60) days nor later than ninety (90) days after the certification by the Commission on Elections of the sufficiency of the petition.

ARTICLE XVII

Transitory Provisions

Section 1. All branches of the Government shall continue to function in a transitory character until all their successors are elected or appointed and are duly qualified.

Sec. 2. The term of the President and the Vice President, which shall end on June 30, 2022, shall not be extended.

The incumbent President is prohibited from running as President in the 2022 elections under this constitution.

Sec. 3. The first national and local elections under this Constitution to elect the President, Vice President, senators, representatives, and local officials shall be on the 2nd Monday of May 2022. They shall assume office at noon on June 30, 2022.

Sec. 4. Upon ratification of this Constitution, the incumbent President and Vice President shall continue to exercise all the powers and functions of their offices until the election of the next President and Vice President.

In case a vacancy arises by reason of removal, resignation, permanent incapacity or death of the incumbent President, the incumbent Senate President shall act as President until a President shall have been chosen and qualified.

Sec. 5. Until otherwise provided by a subsequent law, the seats allocated to party-list representatives shall be filled by election in accordance with Republic Act No. 7941 or the Party-List System for the May 2022 National Elections. Thereafter, Congress shall enact a law on party-list or sectoral representation under this Constitution.

Sec. 6. All existing laws, decrees, executive orders, proclamations, letters of instructions, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

1 Sec. 7. All existing treaties or international agreements which have not been ratified shall not
2 be renewed or extended without the concurrence of at least two-thirds ($\frac{2}{3}$) of all the Members of
3 the Senate.

4 Sec. 8. All courts existing at the time of the ratification of this Constitution shall continue to
5 exercise their jurisdiction, until otherwise provided by law. The provisions of the existing Rules
6 of Court, judiciary acts, and procedural laws not inconsistent with this Constitution shall remain
7 operative unless amended or repealed by the Supreme Court or the Congress.

8 Sec. 9. The incumbent Members of the Judiciary shall continue in office until they reach the
9 age of seventy (70) years, become incapacitated to discharge the duties of their office, or are
10 removed for cause or by the abolition of their office.

11 Sec. 10. The Supreme Court, Court of Appeals, Court of Tax Appeals, and the Sandiganbayan
12 shall, within six (6) months after the ratification of this Constitution, adopt a systematic plan to
13 expedite the decision or resolution of pending cases or matters prior to the effectivity of this
14 Constitution. A similar plan shall be adopted for all special court and quasi-judicial bodies.

15 Sec. 11. The legal effect of the lapse of the applicable period for the decision or resolution of
16 the cases or matters submitted for adjudication by the courts before the ratification of this
17 Constitution shall be determined by the Supreme Court as soon as practicable.

18 Sec. 12. The incumbent Members of the Civil Service Commission, the Commission on
19 Elections, and the Commission on Audit shall continue in office for one (1) year after the
20 ratification of this Constitution, unless they are sooner removed for cause or become incapacitated
21 to discharge the duties of their office or have been appointed to a new term thereunder. In no case
22 shall any Member serve longer than seven (7) years including service before the ratification of this
23 Constitution.

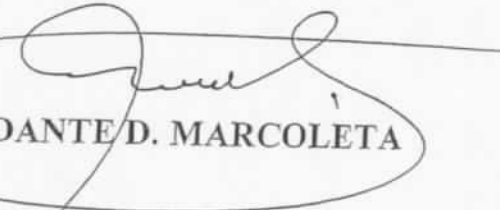
24 Sec. 13. Career civil service employees who are separated from the service not for cause but
25 as a result of the reorganization following the ratification of this Constitution shall be entitled to
26 appropriate separation pay and to retirement and other benefits accruing to them under the laws of
27 general application in force at the time of their separation. In lieu thereof, at the option of the
28 employees, they shall be considered for employment in the Government or in any of its
29 subdivisions, instrumentalities, or agencies, including government-owned or -controlled
30 corporations and their subsidiaries. This provision also applies to career officers whose
31 resignation, tendered in line with the existing policy, had been accepted.

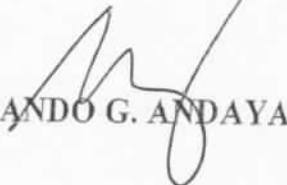
32 Sec. 14. This Constitution shall take effect immediately upon its ratification by a majority of
33 the votes cast in a plebiscite held for the purpose and shall supersede all previous constitutions.

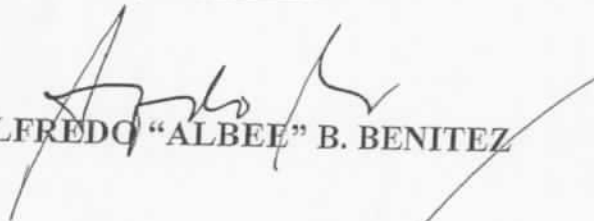
Adopted,


VICENTE S.E. VELOSO


GLORIA MACAPAGAL-ARROYO


RODANTE D. MARCOLETA

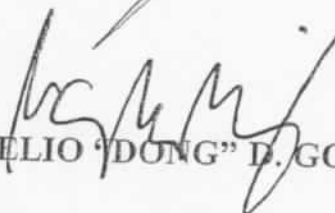

ROLANDO G. ANDAYA JR

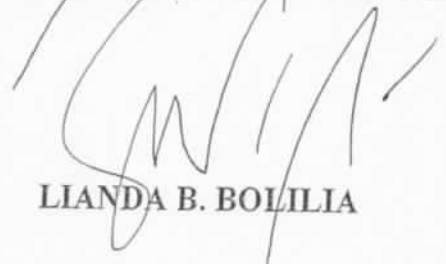

ALFREDO "ALBEE" B. BENITEZ

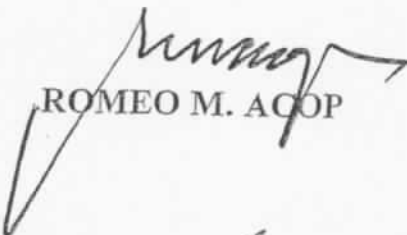

CORAZON T. NUÑEZ-MALANYAON


DEOGRACIAS "DV" B. SAVELLANO

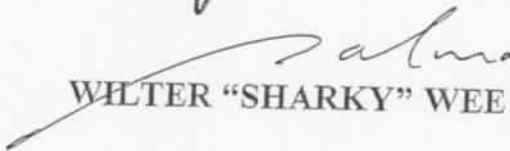

TRICIA NICOLE Q. VELASCO-CATERA



AURELIO "DONG" D. GONZALES JR.

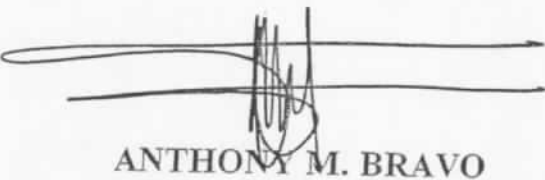

LIANDA B. BOLILIA


ROMEO M. ACOP


EUGENE MICHAEL B. DE VERA


WILTER "SHARKY" WEE PALMA II

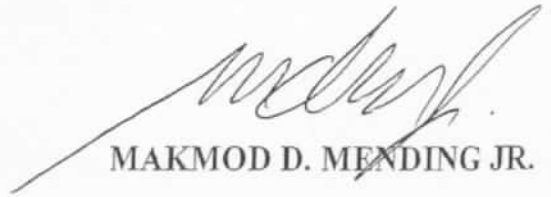

MICAELA S. VIOLAGO


ANTHONY M. BRAVO


RON F. SALO



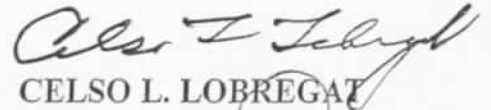
ARNOLFO A. TEVES, JR.



MAKMOD D. MENDING JR.



BERNADETTE C. HERERRA-DY



CELSO L. LOBREGAT



ARTHUR C. YAP



FREDENIL H. CASTRO

House of Representatives
Committee Affairs Department

FACT SHEET

Resolutions of Both Houses No. 15

(Approved by the Committee on 24 September 2018)

**“RESOLUTION OF BOTH HOUSES PROPOSING REVISION TO THE
1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES”**

INTRODUCED BY: REPS. GLORIA MACAPAGAL-ARROYO, VICENTE S.E. VELOSO, ROLANDO G. ANDAYA JR., FREDENIL H. CASTRO, ARTHUR C. YAP, RODANTE D. MARCOLETA, CORAZON T. NUÑEZ-MALANYAON, ALFREDO “ALBEE” B. BENITEZ, TRICIA NICOLE Q. VELASCO-CATERA, DEOGRACIAS “DV” SAVELLANO, LIANDA B. BOLILIA, AURELIO “DONG” D. GONZALES JR., EUGENE MICHAEL B. DE VERA, ROMEO M. ACOP, MICAELA S. VIOLAGO, WILTER “SHARKY” WEE PALMA II, RON P. SALO, ANTHONY M. BRAVO, MAKMOD D. MENDING, JR., ARNOLFO A. TEVES JR., CELSO L. LOBREGAT, BERNADETTE C. HERERRA-DY, FREDERICK “ERICK” ABUEG, JOHNNY TY PIMENTEL, CESAR V. SARMIENTO, ROY M. LOYOLA, AND BEN P. EVARDONE

*Committee Referral: **Committee on Constitutional Amendments***

*Committee Chairperson: **REP. VICENTE S.E. VELOSO***

OBJECTIVES:

- To propose the revision of the 1987 Philippine Constitution pursuant to Section 1, paragraph 1 of Article XVII thereof, and
- To make the Constitution responsive to the exigencies of the times and to spur regional economic development in the countryside, and provide impetus to much needed socio-economic and political reforms.

KEY PROVISIONS:

- Mandates that the form and structure of government shall be that of a presidential-bicameral-federal system.
- Adopts the following State Principles and Policies (*Art. II*):
 - a. The State shall recognize regional autonomy towards federalism within the framework of national unity and the Constitution (*Sec. 1*).
 - b. The Government of the Philippines is the protector of the people and the State, and the goal of the Armed Forces of the Philippines is to secure the sovereignty of the State and to safeguard the integrity of the national territory (*Sec. 3*).

- c. The relations between the church and State shall be governed by benevolent neutrality (*Sec. 6*).
- d. One of the policies of the State is that it shall enact measures that protect and enhance the right of every person to human dignity, and reduce and remove social, economic, political, and cultural inequities. It shall promote social justice in all phases of national development (*Sec. 10*).
- Adopts a Bill of Rights and Bill of Duties to include the following:
 - a. The natural right to protect oneself shall always be respected by the State (*Sec. 1, Art. III*).
 - b. A new Article on Bill of Duties mandates the Filipino citizens to be loyal to the Republic of the Philippines and to exercise their rights responsibly (*Secs. 1 and 2, Art. IV*).
- Requires voters to be domiciled in the Philippines for at least one (1) year and in the place where they propose to vote for at least six (6) months immediately preceding the election to be able to exercise the right of suffrage. Qualified Filipinos abroad under the system for absentee voting or as may be provided by law are exempt from this requirement (*Secs. 1 and 2, Art. VI*).
- Expresses the State Policy to develop a two-party system where the State shall provide a subsidy to political parties on the basis of their electoral performance in the previous election (*Sec. 1, Art. VII*).
- Adopts a bicameral legislative department where (*Art. VIII*):
 - a. The House of Representatives shall be composed of not more than three hundred (300) members, and the Senate shall be composed of twenty-four (24) Senators (*Secs. 2 (1) and 5*).
 - Eighty per centum (80%) of the Members of the House of Representatives shall be elected by majority vote where each single member legislative electoral district shall have one (1) seat in the Congress (*Sec. 2 (2)*)
 - The remaining twenty per centum (20%) of the Members of the House of Representatives shall be elected through a party-list system of registered federal or regional sectoral parties or organizations. The party-list representatives shall be elected at large. They shall represent the marginalized sectors of Philippine society which includes labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers and seafarers. Each sector shall be represented by at least one party-list as may be provided by law (*Sec. 2 (3)*).

- b. The Members of Congress shall be elected for a term of four (4) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June following their election (*Secs. 4 and 7*).
- c. No person shall be a Member of the House of Representatives unless the person is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five (25) years of age, holder of a college degree, and, except the party-list representatives, a registered voter in the district in which the person shall be elected, and domiciled therein for a period of not less than one (1) year immediately preceding the day of the election. The increased educational requirement shall not apply to those already elected as Members of Congress before the ratification of this Constitution (*Sec. 3*).
- d. No person shall be a Senator unless the person is a natural-born citizen of the Philippines and, on the day of the election, is at least thirty-five (35) years of age, holder of a college degree, and, a registered voter and domiciled in the Philippines for not less than two (2) years, immediately preceding the day of the election. The increased educational requirement shall not apply to those already elected as Members of Congress before the ratification of this Constitution (*Sec. 6*).
- e. The Congress shall have an Electoral Tribunal composed of nine (9) members: two (2) members each from the House of Representatives and from the Senate, and five (5) Justices of the Supreme Court to be designated by the Presiding Chief Justice. The most senior Justice in the Electoral Tribunal shall be the Chairperson (*Sec. 18*).
- f. The Speaker of the House of Representatives shall be the ex-officio Chairperson of the Commission on Appointments (*Sec. 19*).
- g. The Congress may not increase the appropriations recommended by the President for the operation of the Government, except the appropriations for the Congress and the Judicial Department (*Sec. 26 (1)*).
- h. A Bicameral Conference Committee composed of Members chosen by each House shall reconcile disagreeing provisions of the bill passed by each House (*Sec. 27 (3)*).
- i. Charitable institutions, churches, parsonages, and other like establishments, actually, directly, and exclusively used for religious, charitable, or educational purposes shall be exempt from real property tax (*Sec. 29 (2)*).
- j. Members of Congress may be removed from office through recall as may be provided by law (*Sec. 34*).

- Adopts the following on the Executive Department, among others (*Art. IX*):
 - a. The President and the Vice-President shall have the same powers and functions as that of the 1987 Constitution. A vote for the President shall also be a vote for the Vice-President, and the President and Vice President must be from the same party. They shall serve a term of four (4) years with one (1) re-election (*Sec. 4*).
 - b. No person shall be elected President unless the person is at least forty-five (45) years old on the day of the election, holder of a college degree, and domiciled in the Philippines for at least ten (10) years immediately preceding such election (*Sec. 2*).
 - c. In addition to those provided in the 1987 Constitution, the President shall also nominate and appoint, with the consent of the Commission on Appointments, the Ombudsman and Deputies Ombudsman and members of the Constitutional Commissions (*Sec. 16*).
 - d. Lawless violence shall be a ground for the declaration of martial law when the public safety requires it (*Sec. 18*).
 - e. No foreign military bases, troops, and facilities shall be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State (*Sec. 21*).
- Adopts the following features on the Judiciary (*Art. X*):
 - a. In lieu of the Judicial and Bar Council, the Judicial Appointments and Disciplinary Council shall be created and shall be composed of the following members (*Sec. 8*):

Ex-Officio:

1. The Chief Justice of the Supreme Court,
2. The Supreme Court Administrator,
3. A representative from the Senate belonging to the minority,
4. A representative from the House of Representatives belonging to the minority,
5. The Chairperson of the Civil Service Commission, and
6. The Secretary of Justice

Regular Members:

1. A Representative from the Integrated Bar of the Philippines,
2. A law professor designated by the Philippine Association of Law Schools, and

3. A retired Member of the Supreme Court to be designated by the Association of the Retired Justices of the Supreme Court.

The Council, among other powers, shall have the principal function of recommending appointees to the judiciary.

- b. The Members of the Supreme Court and Justices and judges of lower courts shall be appointed by the President from a list of at least three (3) nominees prepared by the Council (*Sec. 10*).
 - c. Members of the Supreme Court shall hold office during good behavior for a term of ten (10) years or until they reach the age of seventy (70) years, whichever comes first (*Sec. 12*).
- Adopts the following features upholding local autonomy and the decentralization (*Art. XII*):
 - a. The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities, and barangays (*Sec. 1*).
 - b. A federal state may be created in any part of the country upon petition to Congress by the contiguous, compact, and adjacent provinces, highly urbanized and component cities, and cities and municipalities in metropolitan areas through a resolution of their respective legislative bodies, subject to approval by a majority of the votes cast in a plebiscite in the political units affected. In exceptional cases, a province may also be established as a federal state based on area, population, necessity, geographical distance, environmental, economic, and fiscal viability, and other special attributes (*Sec. 12*).
 - c. The Congress shall strengthen the existing Local Government Code to provide for a more responsive and accountable local government structure instituted through a system of decentralization and devolution (*Sec. 3*).
 - d. Each local government and federal state shall have the power to create its own sources of revenue and to levy taxes, fees, and charges subject to such guidelines and limitations as Congress may provide. Such taxes, fees, and charges shall accrue to the concerned local governments or autonomous territories (*Sec. 5*).
 - e. The National Government shall provide local governments their just share in the national taxes as determined by law, which shall be automatically released to them (*Sec. 6*).

- f. The local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, which shall be automatically released to them. These areas include off-shore sites beyond the municipal waters. Local governments may be authorized by law to collect the proceeds and retain their equitable share (*Sec. 7*), and
- g. Elective local officials shall serve for four (4) years, except barangay officials, whose term of office shall be determined by law (*Sec. 8*).
- Adopts the following features on the Constitutional Commissions (*Art. XI*):
 - a. The Civil Service Commission (CSC) shall be composed of a Chairperson and eight (8) Commissioners. The Commission shall be divided into three (3) divisions with three (3) Members each (*Sec. 1, Art. XI (A)*).
 - b. The power of the Commission on Elections (COMELEC) to investigate and cause the prosecution of election-related crimes shall be vested in the Department of Justice (*Sec. 8, Art. XI (C)*).
 - c. The Commission on Human Rights (CHR) shall become an independent Constitutional Commission composed of a Chairperson and four (4) Commissioners (*Sec. 1, Art. XI (E)*).
 - d. The Commission on Human Rights (CHR) shall have the power to investigate all forms of human rights violations; provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad; grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority; and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection. In addition, it shall also have visitorial, recommendatory, and monitoring powers (*Sec. 2, Art. XI (E)*).
- Liberalizes the investment policy of the country to attract more investments and generate employment through the following features (*Art XIV*):
 - a. Classifying reclaimed lands as lands of public domain (*Sec. 3*).
 - b. The phrase "unless otherwise provided by law" shall be added in the following provisions of the 1987 Constitution (*Secs. 3, 7 and 11*):
 1. Sec. 3, Art XII on leasing of the alienable lands of the public domain to private corporations;
 2. Sec. 7, Art XII on hereditary succession of private lands; and
 3. Sec. 11, Art XII on the equity participation of foreign investors on public utilities.

- c. The 60-40 sharing on equity participation of foreign investors shall be removed in the following provisions of the 1987 Constitution:
 - 1. Sec. 10, Art. XII on reserved investments;
 - 2. Sec. 4 (2), Art. XIV on ownership of educational institutions; and
 - 3. Sec 11 (1 and 2), Art. XVI on ownership and management of mass media and on the policy for engagement in the advertising industry.
- Mandates that the assets, liabilities, net worth and annual income including the sources and application of funds of the President, Members of the Cabinet, the Congress, Supreme Court, Constitutional Commissions and other Constitutional Offices, and officers of the armed forces general or flag rank, shall be disclosed to the public through publication in newspapers of general circulation (*Sec. 15, Art. XIII*).
- Requires a two-thirds (2/3) vote of all the Members of Congress to amend or revise the Constitution (*Sec. 1, Art. XVI*).
- Mandates the following in order to ensure an effective transition in the exercise of governmental functions under the new Constitution (*Art. XVII*):
 - a. All branches of the Government shall continue to function in a transitory character until all their successors are elected or appointed and are duly qualified (*Sec. 1*).
 - b. The first election under the proposed Constitution shall be held on the second Monday of May 2022 (*Sec. 3*).
 - c. The term of the President and the Vice-President, which shall end on June 30, 2022, shall not be extended. The incumbent President is prohibited from running in the 2022 elections under the proposed Constitution (*Sec. 2*).

RELATED LAWS:

- 1987 Philippine Constitution
- Bangsamoro Organic Law (RA 11054)
- Local Government Code (RA 7160)
- Public Land Act (Commonwealth Act 141)
- Revised Forestry Code (PD 705)
- Fisheries Code of 1998 (RA 8550)
- Phil. Mining Act of 1995 (RA 7942)
- Wildlife Resources Conservation & Protection Act (RA 9147)
- Agriculture and Fisheries Modernization Act of 1997 (RA 8435)
- People's Small Mining Act of 1991 (RA 7076)
- Water Code of the Philippines (PD 1067)
- Indigenous People's Rights Act of 1997 (RA 8371)
- Condominium Act (RA 4726)

- An Act to Establish the Cordillera Autonomous Region (RA 8438)
- The Special Purpose Vehicle Act of 2002 (RA 9182)
- Omnibus Investments Code of 1987 (EO 226)
- The Foreign Investments Act (RA 7042 [1991] as amended by RA 8179 [1996])
- Implementing Rules and Regulations, Foreign Investments Act
- Investor's Lease Act (RA 7652)
- Special Economic Zone Act of 1995 (RA 7916)
- Promulgating the Ninth Regular Foreign Investment Negative List (EO 98)